

URBAN/MUNICIPAL

CAY ON HBL AOS

A31

1994

AGENDA OF THE
MEETING OF THE
COUNCIL

AUG. 30/94

CAY ON HBL ADS
A31
1994



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1994 August 30
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

SEP 1 1994

GOVERNMENT DOCUMENTS

**J. J. Schatz
City Clerk**

A G E N D A

- 1. National Anthem: - Sung by Tebey Ottoh**
- 2. Opening Prayer**
- 3. Presentations:**

Certificate of Recognition: **Mr. Ben Ayres - The Coppley Apparel Group**
 Mr. Santo Gallo (Cambridge Clothes)
 Mr. Warwick Jones, Vice-President

Proclamations:

"DYSTONIA AWARENESS WEEK" **Harry P. Lovering**
September 18th to 25th, 1994 **Chairman, Hamilton**

"LEGION WEEK" **Roy Graves, Branch 58**
September 18 to 24, 1994 **Tadeusz Jakubiec, Branch 315**
 Pat Gallacher, Branch 613
 John Clarke, Branch 58
 Al Cohen, Branch 343

"A CENTURY IN MOTION"
(The Women's Art Association of Hamilton)

- 4. Minutes from the meeting held 1994 July 26.**

5. ***Petitions and Correspondence***
6. ***Reports of the Standing Committees:***
 - (a) *Transport and Environment Committee*
 - (b) *Parks and Recreation Committee*
 - (c) *Planning and Development Committee*
 - (d) *Finance and Administration Committee*
 - (e) *Committee of the Whole*
 - (f) *City of Hamilton Licensing Committee*
7. ***Notices of Motion for Next Meeting***
8. ***First Reading of the Bills***
9. ***Second Reading of the Bills - Committee of the Whole***
10. ***Third Reading of the Bills***
11. ***Question Period***
12. ***Adjournment.***

MINUTES

1994 July 26

Minutes of Hamilton City Council
Tuesday, 1994 July 26
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Jackson, Merling, Anderson, Ross, D'Amico.

Absent: Alderman B. Charters - vacation

Mayor Morrow called the meeting to order.

* * * * *

The Council meeting commenced with the playing of the National Anthem.

* * * * *

Father James Valk, C.R., Pastor of St. Joseph's Roman Catholic Church led Council in Prayer.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Pat Jaggard in memory of Bob Jaggard who served on the Keep Hamilton Clean Committee.

<p>ADOPTION OF MINUTES</p>

The minutes of the regular meeting held 1994 June 28 were adopted as circulated.

PETITIONS AND CORRESPONDENCE

1. Petition received 1994 July 4 requesting declaration of Lesbian and Gay Pride Day and Lesbian and Gay Pride Week.

Received.

2. Memorandum dated 1994 July 22 from the Mayor's Office respecting letter/petition and phone calls received in opposition to the declaration of Lesbian and Gay Pride Week.

Received.

3. Application dated 1994 July 20 from the Municipal Non Profit (Hamilton) Housing Corporation, City Hall, Hamilton, Ontario for modifications to the "H" (Community Shopping and Commercial, etc.) District regulations (Block "1" and to the "D" (Urban Protected Residential - One and Two - Family Dwellings etc.) District regulations (Block "2"), for lands located at No. 384 Barton Street East and No. 109 Smith Avenue, Hamilton, Ontario.

Received.

4. Application dated 1994 July 11 from Chedoke Health Corporation (Murray Halpren, Vice President, and Sandra Stephenson, Director), Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), "A" (Conservation, Open Space, Park and Recreation) District (Blocks "2" and "4") and "R-4" (Small Lot Single - Family Dwellings) District, (Block "3") for lands located between Scenic Drive and Chedmac Drive, west of Rice Avenue, Hamilton, Ontario.

Received.

5. Letter dated 1994 July 14 from Tony Matthews, Chairman of Tenant and Relations Committee, Hamilton Senior Citizens Apartments Ltd., re: 255 King Street West regarding Noise Complaints.

Referred to Transport and Environment Committee and the Chief of Police.

6. Letter dated 1994 July 21 from the Regional Municipality of Hamilton-Wentworth regarding the Solid Waste Management Strategic Plan.

Referred to Transport and Environment Committee.

7. Letter dated 1994 July 21 from the Regional Municipality of Hamilton-Wentworth regarding the Provincial 3R's and CFC Regulations.

Referred to Transport and Environment Committee.

8. Letter dated 1994 July 19 from Tony Aceti, President, Aceti's Restaurant and Tavern Ltd., Hamilton, Ontario regarding the patio at Aceti's Restaurant.

Received.

9. (a) Letter dated 1994 July 25 from the Business Association Council respecting funding for the purchase/maintenance of hanging flower baskets.
- (b) Letter dated 1994 July 26 from the Business Association Council respecting funding for the purchase/maintenance of hanging flower baskets.

Referred to the Finance and Administration Committee.

10. Application from 810202 Ontario Inc. to relocate the bingo operation currently operating at 1565 Upper James Street to 1119 Fennell Avenue East.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, and The Report of His Worship Mayor R. M. Morrow, be now considered in Committee of the Whole with Alderman Kiss in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

<p>TRANSPORT AND ENVIRONMENT COMMITTEE - TENTH REPORT</p>
--

It was moved by Alderman Agro and seconded by Alderman Merling that Rule No. 8 of the Procedural By-law No. 82-203 be invoked in order to consider resolutions respecting traffic matters on Emerald Street South and Cope Street and Dunsmure Avenue. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Agro that the following be added as Section 44 of the Tenth Report of Transport and Environment Committee:

44. (a) That the existing "No Stopping, Wheelchair Loading Only, 9:00 o'clock a.m. to 5:00 o'clock p.m., seven days a week" regulation on the east side of Emerald Street South commencing at a point 144 feet north of Stinson Street and extending to a point 29 feet northerly therefrom, be removed; and,
- (b) That a "No Stopping" driveway clearance be implemented on the east side of Emerald Street South commencing at a point 144 feet north of Stinson Street and extending to a point 12 feet northerly therefrom; and
- (c) That the City Traffic By-law No. 89-72 be amended accordingly.

CARRIED.

It was moved by Alderman Wilson and seconded Alderman Copps that the following be added as Section 45 of the Tenth Report of the Transport and Environment Committee:

45. That a 4-way stop be implemented at the intersection of Cope Street and Dunsmure Avenue. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Agro that the following be added as Section 46 of the Tenth Report of the Transport and Environment Committee:

46. That leave be granted to introduce the following Bill:

A-54 A By-law to amend By-law No. 89-72 to Regulate Traffic. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Jackson that Section 29 of the Eleventh Report of the Transport and Environment Committee for 1992, respecting the construction of a concrete curb on Upper Kenilworth Avenue east side from Landron Avenue to Limeridge Road, which was tabled by City Council at its meeting held 1992 October 27, be lifted from the table.

29. (a) That the estimated costs in the following local improvement projects, be increased:
- i. Upper Paradise Road east side from Stone Church Road to 187 m southerly and from 86 m south of Skyview Drive to 83 m southerly - construction of independent concrete sidewalk. The increase in the approved City share from \$7,964. to \$27,964.
 - ii. Upper Kenilworth Avenue east side from Landron Avenue to Limeridge - construct concrete curb. The increase in the approved City share from \$46,100. to \$56,100. **TABLED.**
 - iii. Limeridge Road south side from Upper Wellington Street to 263 m easterly and from 376 m east of Upper Wellington Street to 69 m easterly - construct independent concrete sidewalk. The increase in City share from \$25,588.80 to \$35,588.80.

- (b) That the Finance and Administration Committee be requested to recommend a source of funds for these increased costs.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Jackson that Section 29 of the Eleventh Report of the Transport and Environment Committee for 1992, be referred back to the Transport and Environment Committee and that the Director of Public Works prepare plans for the City-owned property adjacent to this curbing and cost estimates for the installation of same. **CARRIED.**

PARKS AND RECREATION COMMITTEE - TWELFTH REPORT
--

Section 2 Re: Selling of food and alcoholic beverages - Canadian Football League - Brian Timmis Stadium

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Anderson, D'Amico, Ross. 15.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 12 Re: Selling of food and alcoholic beverages - St. Demetrios Church - Victoria Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Anderson, D'Amico, Ross. 15.

NAYS: Alderman Jackson. -1.

CARRIED.

PARKS AND RECREATION COMMITTEE - THIRTEENTH REPORT

Section 2 Re: Selling of food and alcoholic beverages - Rotary Club of Hamilton - Pier 4 Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Agro, McCulloch, Jackson. -3. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE - ELEVENTH REPORT

Section 1 Re: Westdale B.I.A. - Hanging Floral Baskets

It was moved by Alderman Drury and seconded by Alderman Morelli that Section 1 of the Eleventh Report of the Planning and Development Committee for 1994 be referred to the next meeting of the Finance and Administration Committee:

Recorded vote.

YEAS: Aldermen McCulloch, Drury, Morelli, Copps, Wilson, Jackson, Merling, Anderson, D'Amico, Ross. 10.

NAYS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Eisenberger. -5. **CARRIED.**

Section 22 Re: Introduction of Bill C-42.

It was moved by Alderman Drury and seconded by Alderman Eisenberger that Section 22 of the Eleventh Report of the Planning and Development Committee be amended by adding subsection (j) as follows:

- (j) C-42 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 75-190 respecting land located at No. 44 Greendale Drive.
CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - ELEVENTH REPORT

FINANCE AND ADMINISTRATION COMMITTEE - TWELFTH REPORT

Re: Bingo Hall Review Committee

It was moved by Alderman Ross and seconded by Alderman D'Amico that Rule No. 8 of the Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to consider a resolution respecting the establishment of a Committee and the appointment of its members to review the criteria and procedures to establish new bingo halls and to upgrade or relocate existing bingo halls.
CARRIED.

* * * * *

It was moved by Alderman Drury and seconded by Alderman Morelli that the following be added as Section 31 of the Twelfth Report of the Finance and Administration Committee:

31. (a) That a Bingo Hall Review Committee, comprised of three members of City Council, be appointed for the purpose of reviewing and considering all applications for the establishment of new bingo halls and the upgrading or relocating of existing bingo halls in the City of Hamilton for recommendation to City Council, pursuant to the new Provincial Criteria and Procedures for Bingo Halls.

- (b) That Alderman T. Cooke, D. Drury and D. Wilson be appointed members of the Committee for the remainder of the term of Council. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Jackson that Section 5 (b) of the Twenty-First Report of the Finance and Administration Committee for 1992, respecting the financing of an additional cost of \$10,000. for the construction of a concrete curb on Upper Kenilworth Avenue east side from Landron Avenue to Limeridge Road which was tabled by City Council at its meeting held 1992 October 27, be lifted from the table.

CARRIED.

5. That as referred to in Section 29 of the Eleventh Report for 1992 of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct the following projects:

- (a) Upper Paradise Road east side from Stone Church Road to approximately 187m southerly and from approximately 86m south of Skyview Drive to approximately 83m southerly - independent concrete sidewalk at an estimated gross cost be revised from \$27,700. (OMB No. E920755 dated 1992 August 28) to \$47,700. with a City's share being revised from \$7,964. to \$27,964. with an additional cost of City's share of \$20,000. to be financed from 1992 Capital Levy and the balance of \$19,736., being the Owner's share, remaining unchanged, to be financed by the issuance of debenture for a period not to exceed 20 years.

- (b) Upper Kenilworth Avenue east side from Landron to Limeridge - concrete curb at an estimated cost of \$46,100., being the City's share be revised to \$56,100. with an additional cost of the City's share of \$10,000. to be financed from 1992 Capital Levy. **TABLED.**

- (c) Limeridge Road south side from Upper Wellington Street to approximately 263m easterly and from approximately 376m east of Upper Wellington Street to approximately 69m easterly - independent concrete sidewalk at an estimated gross cost be revised from \$50,000. to \$60,000., with a City's share being revised from \$25,588.80 to \$35,588.80 with an additional cost of the City's share of \$10,000. to be financed from 1992 Capital Levy and the balance of \$24,411.20, being the owner's share remaining unchanged, to be financed by the issuance of debenture for a period not to exceed 20 years. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Jackson that Section 5 (b) of the Twenty-First Report of the Finance and Administration Committee for 1992, respecting the financing of an additional cost of \$10,000. for the construction of a concrete curb on Upper Kenilworth Avenue east side from Landron Avenue to Limeridge Road which was tabled by City Council at its meeting held 1992 October 27, be referred back to the Finance and Administration Committee. **CARRIED.**

CITY OF HAMILTON LICENSING COMMITTEE - FOURTH REPORT

REPORT OF HIS WORSHIP MAYOR R. M. MORROW - FIFTH REPORT

ACTING MAYOR FOR THE MONTH OF AUGUST, 1994

It was moved by Alderman Cooke and seconded by Alderman Agro that Alderman B. Morelli be appointed Acting Mayor for the month of August, 1994. **CARRIED.**

RESOLUTIONS

It was moved by Alderman Agro and seconded by Mayor Morrow that Rule No. 8 of the Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to consider the following resolution:

"Whereas the Province of Quebec is holding a provincial election that may be vital to Canadian Unity.

Be it resolved that the City of Hamilton express it's support and affection for the people of Quebec in these very difficult and important times;

And that all Ontario municipalities be asked to endorse this resolution;

And that this resolution be sent to all municipalities in Quebec in both French and English." **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, The Report of His Worship Mayor R. M. Morrow, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Cooke and seconded by Alderman Agro that the following Bills be now read a first time:

A-47, A-48, A-49, A-50, A-51, A-52, A-53, A-54.

B-1, B-2.

C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42.

D-23, D-24.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that Council move into Committee of the Whole to consider the following Bills, with Alderman Kiss in the chair. (second reading).

A-47, A-48, A-49, A-50, A-51, A-52, A-53, A-54.

B-1, B-2.

C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42.

D-23, D-24.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Report of the Committee of the Whole on the following Bills, be adopted:

A-47, A-48, A-49, A-50, A-51, A-52, A-53, A-54.

B-1, B-2.

C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42.

D-23, D-24.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-47, A-48, A-49, A-50, A-51, A-52, A-53, A-54.

B-1, B-2.

C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42.

D-23, D-24.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:45 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz, City Clerk
1994 July 26

CORRESPONDENCE

Correspondence:

1. Application dated 1994 July 22 from U-Haul Co. of Canada Ltd, Hamilton, Ontario for a modification to the established "M-12" (Prestige Industrial) District regulations, for lands located at No. 1088 Rymal Road East, Hamilton, Ontario

Recommendation:

Be Received.

2. Application dated 1994 August 4 from Shermal Developments Inc. c/o 1 James Street South, Hamilton, Ontario for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for Block "1", "R-4" (Small Lot Single - Family Dwelling) District for Block "2", and "C" (Urban Protected Residential, etc.) District for Blocks "3", "4", "5", and "6", for lands located in the area south of Rymal Road and west of the proposed extension of Upper Sherman Avenue, Hamilton, Ontario.

Recommendation:

Be Received.

3. Application dated 1994 August 17 from Mike Jovanovic, Hamilton, Ontario for a further modification to the established "HH" (Residential Community Shopping and Commercial) District for property at No. 2826 King Street East, Hamilton, Ontario

Recommendation:

Be Received.

4. Petition respecting Sycamore Trees on East 8th Street, Hamilton, Ontario.

Recommendation:

Be Referred to Parks and Recreation Committee.

August 8, 1994

Mr. J. Schatz
City Clerk
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

HAND DELIVERED

Re: Sycamore Trees on East 8th Street, Hamilton

We are residents of East 8th Street between Inverness Avenue and Queensdale Avenue on Hamilton Mountain. An attractive feature of this portion of East 8th Street is that there are several mature (approximately 100 years old) sycamore trees which line the street. These trees are owned by the City of Hamilton.

Unfortunately, all of these trees are ill as they are suffering from a disease called anthracnose.

The effects of the disease are more apparent as each year goes by. We are faced with a state of "perpetual autumn" from June until winter of each year. The disease causes leaves, branches and excessive amounts of tree bark to continually fall from the trees during this time of year. Two photos showing an example of this problem on one East 8th property during June, 1994 are included for your viewing. From day to day, the amount of leaves, branches and bark that fall depends on the weather.

As you can imagine, the problems with these diseased trees include but are certainly not limited to the following:

- the falling branches and bark pose a safety hazard for both people (adult and children residents as well as innocent passersby) and property (cars);
- the fallen leaves cannot be composted because of the disease (a significant environmental issue because of the number of leaves involved) - the leaves remaining on the trees are obviously diseased even to the untrained eye; and
- the sight of such leaves, branches and bark on the lawns, driveways, sidewalks and road, especially in the summer months, is an aesthetic nuisance.

Calls by various residents of East 8th Street to Public Works over the years have not resulted in any action by the City of Hamilton. This has led to a great deal of frustration by us since these trees are not privately owned but are the responsibility of the City of Hamilton.

These trees are getting worse with each year. If the City of Hamilton wishes to preserve them (as we understand that there is only one other street in Hamilton which has sycamore trees of this age on it), then immediate action must be taken to try to mitigate the effects of this disease. If the City intends to take no action, then is it the intention of the City to simply let all of these trees die? If it is the City's intention to let these trees die, then why not start slowly replacing them now? We understand that the City has taken steps to protect certain trees (i.e. inoculating elm trees) in Hamilton and we feel that the time has come for action also to be taken with respect to the trees on our street.

Please consider this letter our formal request for action to be taken by the City of Hamilton to deal with the sycamore trees on East 8th Street which are suffering from anthracnose. We would ask that you provide copies of this letter to all members of City Council, to Mr. J. Pook, Forestry Division, Public Works Department and to all other City of Hamilton personnel who you deem appropriate. Thank you for your assistance.

We look forward to the City's response at its earliest convenience.

Yours truly,

Signature	Name (please print)	Address
<i>Ken Edge</i>	KEN EDGE	122 EAST 8 TH
<i>Phyllis Edge</i>	PHYLLIS EDGE	" " "
<i>Charles Lee</i>	CHARLES LEE	109 E 8TH.
<i>Rose Lee</i>	ROSE LEE	" " "
<i>Sophie Panasau</i>	SOPHIE PANASAU	140 EAST 8 TH
<i>Carmine Melatti</i>	CARMINE MELATTI	146 EAST 8TH
<i>Maria Melatti</i>	MARIA MELATTI	146 EAST 8TH
<i>Peter Billone</i>	PETER DILLONE	134 EAST 8th
<i>Carlo Billone</i>	CARLO DILLONE	134 EAST 8th
<i>Frances Billone</i>	FRANCES BILLONE	134 EAST 8TH.
<i>Violet Csiernik</i>	VIOLET CSIERNIK	113 EAST 8TH
<i>Jackie Ross</i>	Jackie Ross	113 East 8th St

Signature	Name (please print)	Address
<i>Gina Mancini</i>	GINA MANCINI	110 EAST 7th ST.
<i>Mark Saxton</i>	Mark Saxton	117 East 8 th
<i>Berta Saxton</i>	Berta Saxton	117 East 8 th ST.
<i>Lou DeStephanis</i>	LOU DESTEPHANIS	121 EAST 8TH ST.
<i>Beth DeStephanis</i>	Beth DeStephanis	121 EAST 8 th ST
<i>A. Reddekopp</i>	A. REDDEKOPP	129 EAST 8 th ST.
<i>J. Reddekopp</i>	J. REDDEKOPP	129 EAST 8 th ST.
<i>C. Turnbull</i>	C. TURNBULL	137 E 8TH ST
<i>Gret Turnbull</i>		174 E 8 th
<i>George Stone</i>	GEORGE STONE	152 EAST 8 th ST.
<i>Lola Stone</i>	LOLA STONE	152 EAST 8 th ST.
<i>Nudy Martin</i>	Nudy Martin	158 East 8 th ST.
<i>Bryan Martin</i>	BRYAN MARTIN	158 EAST 8 th ST.
<i>Steve Martin</i>	Steve Martin	158 EAST 8 th ST.
<i>Tammy Woudstra</i>	Tammy Woudstra	158 East 8 th ST.
<i>Noella Edwards</i>	NOELLA EDWARDS	133 EAST 8 th ST
<i>Charles Edwards</i>	CHARLES EDWARDS	133 E 8 th ST.
<i>Josi Edwards</i>	JOSI EDWARDS	133 EAST 8 th ST.
<i>P. Joseph</i>	P. JOSEPH	145 EAST 8 th ST
<i>Deborah Edwards</i>	DEBORAH EDWARDS	125 EAST 8 th ST.
<i>Rick Csiernik</i>	Rick Csiernik	125 E 8 th St Hamilton

Encl. (1)

REPORTS

1994 August 30

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents it **ELEVENTH** Report for 1994 and respectfully recommends:

1. That a four-way stop control be implemented at the intersection of Flatt Avenue and Glenside Avenue and that the City Traffic By-law 89-72 be amended accordingly.
2. That City Council enact the By-law to authorize the closure of Mead Avenue at a point approximately 757 feet east of the eastern limit of Parkdale Avenue for a period of one year commencing September 15, 1994.
3. That City Council endorse the request from Local 1005 - Community Homes Inc. to extend the present bus route to 595 Rymal Road East and refer this request to the Regional Municipality of Hamilton-Wentworth for their consideration.
4. That a "No Stopping, Commercial Vehicle Loading Zone, 7:00 a.m. to 7:00 p.m., 7 days a week" regulation be implemented on the north side of Pescara Avenue commencing at a point 130 feet east of Crerar Drive and extending to a point 30 feet easterly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
5. That a "No Parking" regulation be implemented on the east side of Third Avenue commencing at Beach Boulevard and extending to the northerly end and that the City Traffic By-law 89-72 be amended accordingly.
6. That in conjunction with the existing "Alternate Side Parking" regulation a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Afton Avenue between Lorne Avenue and Prospect Street and that the City Traffic By-law 89-72 be amended accordingly.
7. (a) That a reserved "Permit Parking" regulation be implemented on the south side of Aikman Avenue commencing at a point 180 feet east of Wentworth Street South and extending to a point 31 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

1994 August 30

- (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Maiuri Orazio, 20 Aikman Avenue.
- 8. (a) That a "Permit Parking" regulation be implemented on the south side of Mars Avenue commencing at a point 107 feet east of Douglas Street and extending to a point 19 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Roy Roussel, No. 46 Mars Avenue.
- 9. That a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 9:00 p.m., seven days a week" regulation be implemented on the north side of Sanders Boulevard, commencing at a point 36 feet east of West Park Avenue and extending to a point 28 feet easterly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
- 10. That an "Alternate Side Parking" regulation be implemented on Broadway Avenue between Main Street West and Sussex Street such that parking is prohibited;
(a) on the west side of the street during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
(b) on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November, and that the City Traffic by-law 89-72 be amended accordingly.
- 11. That two hour parking meters be installed on the west side of Locke Street South between Canada Street and Main Street West and on the east side between Canada Street and Jackson Street West and that the City Traffic By-law 89-72 be amended accordingly.
- 12. That northbound traffic on Westinghouse Avenue be required to stop for eastbound and westbound traffic on Myler Street and eastbound traffic on Myler Street be required to stop for northbound and southbound traffic on Milton Avenue and that the City Traffic By-law 89-72 be amended accordingly.

1994 August 30

13. That a "No Stopping" regulation be implemented on the east side of Upper Kenilworth Avenue commencing at Fern Place and extending to a point 69 feet southerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
14. That three-way stop control be implemented at the intersection of Rosemont Avenue and Lottridge Street and that the City of Hamilton Traffic By-law 89-72 be amended accordingly.
15. That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be relocated:

Route #22 Upper Ottawa

Delete - Eastbound -	Queensdale Avenue East, south side, 9.6 metres west of East 34th Street (N/S); and,
Add - Eastbound -	Queensdale Avenue East, south side, 5.9 metres west of East 33rd Street (N/S); and,
Delete - Eastbound -	Queensdale Avenue East, south side, 27.1 metres east of East 36th Street (M/B); and,
Add - Eastbound -	Queensdale Avenue East, south side, 31.5 metres west of East 36th Street (M/B); and,
Delete - Westbound -	Queensdale Avenue East, north side, 34.6 metres east of East 36th Street (M/B); and,
Add - Westbound -	Queensdale Avenue East, north side, 5.0 metres east of East 36th Street (N/S); and,
Delete - Westbound -	Queensdale Avenue East, north side, 7.9 metres west of the projected east curb line of East 34th Street (F/S); and,
Add - Westbound -	Queensdale Avenue East, north side, 9.7 metres east of East 33rd Street (N/S); and,

1994 August 30

Delete - Westbound - Queensdale Avenue East, north side, 7.4 metres east of the projected west curb line of East 15th Street (M/B); and,

Add - Westbound - Queensdale Avenue East, north side, 19.3 metres west of East 16th Street (N/S).

16. That the existing hours of the School Crossing Guard at the intersection of Cranbrook Drive and Garrow Drive be extended to include the lunch time school crossing period.
17.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 177574 to the property at 175 Ferguson Avenue South, which is presently owned by Mr. Brian J. Edgar, be discharged; and,
 - (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and,
 - (c) That the applicant be permitted to execute a revised residential boulevard parking agreement.
18. That the application of Mr. Trung Giang to lease a portion of the boulevard of Vine Street adjacent to No. 95 MacNab Street North for parking purposes be approved, provided that:
 - (a) the applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 25 (current annual rate is \$60.70 for each of the first two spaces and \$30.36 for each additional space) plus taxes, if any, in addition to the \$10.00 encroachment insurance charge approved by the City Council on 1984 February 14.
 - (b) the owner pays a one time \$50.00 registration fee, as approved by the City Council on 1986 January 14.
 - (c) the owner pays a one time \$182.12 (plus G.S.T.) processing fee, as approved by the City Council on 1988 January 12.

1994 August 30

- (d) the owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of road allowance for parking purposes.
 - (e) the driveway approach, parking area and other structures, as approved by the Director of Traffic Services, be constructed and maintained at the owner's expense.
 - (f) the owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.
19. (a) That in accordance with Section 15(1) of the Police Services Act, 1990, the following persons be appointed as Parking Control Officers;

Albert Lutz
William Young

- (b) That the following appointment as a Parking Control Officer be repealed:

Colin Vale

20. That a purchase order in the amount of \$75,458.40 be issued to Fortran Traffic control Systems for the supply of equipment to control the lane signals on the Sherman Cut/Sherman Access System.
21. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of funding:

1994 August 30

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
529149005	Catchbasin & Drain Connections (1991)	\$25,000	\$10,078.67	\$14,921.33	Capital Levy
609351014	Motor Vehicle Requirements - Signals and Hoists	\$54,000	\$26,995.59	\$27,004.41	Capital Reserve -Unclassified

22. (a) That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the following applications for neighbourhood street festivals:

- (i) Glen Arms Street from Gemini Drive to the end of the street on Saturday June 25, 1994 from 12:00 noon to 11:00 p.m.
- (ii) East 32nd Street from Brucedale Avenue to Queensdale Avenue on Saturday July 9, 1994 from 4:00 p.m. to 11:00 p.m.
- (iii) East 34th Street from Brucedale Avenue to Fennell Avenue on Saturday August 6, 1994 from 4:00 p.m. to 11:00 p.m.
- (iv) Barons Avenue North from Dunsmure Road to Roxborough Avenue on Saturday August 6, 1994 from 12:00 noon to 11:00 p.m.
- (v) Elite Drive from Upper Wentworth Street to Acadia Drive on Saturday August 20, 1994 from 2:00 p.m. to 11:00 p.m.
- (vi) Hughson Street North from Picton Street to Simcoe Street on Saturday August 13, 1994 from 11:00 a.m. to 10:30 p.m.
- (vii) National Drive from no.132 to no.108 on Saturday August 20, 1994 from 5:00 p.m. to 11:00 p.m.

subject to the following conditions:

- (i) That approval from Regional Police Services be received;
 - (ii) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City and the Region as an added insured parties with a provision for cross liability;
 - (iii) That all barricading, detour signing and traffic control be subject to the direction of Regional Police Services;
 - (iv) That all barricading be supplied by and at the expense of the applicant;
 - (v) That "Temporary Road Closure" signs be installed in advance by the Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services;
 - (vi) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Region and at the expense of the event organizer;
 - (vii) That no property owner or resident within the barricaded area be denied access to their property upon request;
 - (viii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
- (b) That the application of the Corktown Co-op to temporarily close Forest Avenue from Aurora Street to 200m easterly on Saturday, September 10, 1994 from 2:00 p.m. to 7:00 p.m., be approved, subject to the above-noted conditions.
23. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

1994 August 30

"WISEMOUNT ESTATES - PHASE 6", Hamilton

City's Share \$31,883.

Subdivider's Share \$151,706.46

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Wisemount Estates - Phase 6", Hamilton and any other related documents for this Subdivision subject to the approval of the City Solicitor.
 - (c) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered.
 - (d) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
 - (e) That the City's share for the costs of services in "Wisemount Estates - Phase 6" (\$31,883.) be approved and the Finance and Administration Committee recommend the source of funding for this project.
24. That the application of G. Newcombe, owner of 94 Weir Street North, to erect and maintain landscaping consisting of three raised flower boxes, two measuring 1.3m x 3.21m and one measuring 1.2m x 3.9m, encroaching onto the Weir Street North road allowance, be approved during the pleasure of Council, provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the applicant pay a first year fee of \$252. and an annual fee of \$20.

25. (a) That the following City lands be incorporated into the streets in order to provide access to newly registered subdivision developments
- | | | |
|--------------------|----------------|----------------|
| Annapolis Way | Parts 33 & 34 | Plan 62R-11631 |
| Annapolis Way | Parts 4, 5 & 6 | Plan 62R-12435 |
| Artistic Boulevard | Block 12 | Plan 62M-634 |
- (b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by Council; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the By-laws.
26. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of the Roxborough Park Association, to temporarily close Ayr Avenue between Reid Avenue and Bingham Road, from 12:00 noon to 8:00 p.m. on Friday, 1994 August 12 and from 8:00 a.m. to 8:00 p.m. on Saturday, 1994 August 13 and from 8:00 a.m. to 1:00 p.m. on Sunday, 1994 August 14 to provide parking and a delivery area for a T-Ball Tournament, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (b) That proof of \$2,000,000. public liability insurance, naming the City and Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss be provided; and,
- (c) That all barricading, detour signing and traffic control to be subject to the direction of the Chief of Police or his/her designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs to be installed in advance by the Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant; and,

1994 August 30

- (f) The applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (g) No property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (h) That all property owners and tenants along the closed portion of the route will be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
27. That the Commissioner of Transportation/Environmental Services be authorized and directed to proceed with construction of roadway asphalt, sidewalks and curbs, catchbasins and connections on Delta Drive from Upper James Street to approximately 171 metres easterly at an estimated cost of approximately \$152,360. to be financed from the City's Account for Unsubdivided Lands.
28. That the application of P. Wenzel, agent for the Renter's Guide, to place newspaper vending boxes on Hunter Street West near the southwest corner of Bay Street and on MacNab Street South at the southeast corner of Robinson Street and on Park Street South at the northeast corner of Duke Street, be approved during the pleasure of Council, provided:
- (a) That the applicant enter into an agreement satisfactory to the City Solicitor and the Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the applicant pay a one time processing and administration fee of \$252. and an annual fee of \$15. per newsbox.
29. That the City Treasurer be directed to close the Capital Project accounts as detailed in Appendix "A" attached hereto, with any excess funding to be transferred to its original source of funding.

30. That the Commissioner of Transportation/Environmental Services be directed to rehabilitate the south side pedestrian walkway on the Melvin Avenue Bridge at an estimated cost of \$30,000. and that the expenditure be financed through the Bridge Maintenance Account No. 9264418.
31. That the request submitted by the Ministry of Transportation, for an exemption from Noise By-law No. 79-292, Contract No. 20-94-625 and No. 20-94-629, Selective Resurfacing on the Q.E.W. and Highway 403, be approved.
32. That purchase orders be issued to 1997 April 30, for the rental of labour and equipment for snow removal, in accordance with the specifications issued by the Manager of Purchasing and Vendor's tenders, as detailed in Appendix "B" attached hereto, and that this expenditure be financed through the Hired Equipment Clearing Account No. CH 56602 60999.
33. That the Public Works Department be authorized to continue to fund the Sewer Street Tree Program Account No. CH 56321 60430 recognizing the pending overdraft.
34.
 - (a) That the Region be requested to finance the rehabilitation work that is required to the watermain and sewers in the south leg of King Street between John and Hughson Streets, including the Hughson Street intersection estimated at \$305,000.; and,
 - (b) That the Region advise as to the feasibility of completing this work and the necessary road and sidewalk work prior to the traditional Christmas shopping season which begins around December 1; and,
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to construct these works once all the necessary approvals have been received; and,
 - (d) That the Commissioner of Transportation/Environmental Services be directed to construct these works as early as possible in 1995.
35.
 - (a) That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton does not support the Solid Waste Management Strategic Plan as presented; and,

1994 August 30

- (b) That the Director of Public Works be authorized to assist the Region, at their request, in revising the Solid Waste Management Strategic Plan, through the Waste Management Co-ordinating Committee, recognizing that a revised strategic plan is subject to the consideration of the appropriate Standing Committees and Councils of the area municipalities and the Region; and,
- (c) That the mandate of the Waste Management Co-ordinating Committee (WMCC) be reviewed towards reinforcing its role as a co-ordinating agency in solid waste management, recognizing the participation in WMCC of all area municipalities and the Region; and,
- (d) That the Regional Municipality of Hamilton-Wentworth be requested to allow for the following City of Hamilton solid waste management requirements in the pending proposal call for the Regional Solid Waste Management Contract:
 - (i) The City of Hamilton will provide curbside collection services for residential garbage within its civic boundaries.
 - (ii) The City of Hamilton will provide bulk pick up services for Hamilton residents through its existing contract with a private sector firm.
 - (iii) The Region should continue to manage the "Blue Box" recycling program, the backyard composting program, the household hazardous waste program, waste reduction and promotion and those services assigned through the Regional Municipality of Hamilton-Wentworth Act relating to receiving, dumping and disposing of waste, ie. SWARU, transfer stations and the landfill site.
 - (iv) The City of Hamilton requires financial incentives within the pending contract for the operation of the Regional Solid Waste System which facilitates and encourages waste reduction through recycling and composting.
 - (v) The Region should consider the feasibility of operating a Regional composting facility for leaf and yard waste, including transportation of compostable materials from designated sites within the City and further to make recommendations concerning composting for those municipalities affected by leaf and yard waste legislation in 1995.

- (vi) The City of Hamilton requires greater utilization of the transfer stations for the dumping of civic curbside collected waste to reduce travel time for our packers and hence assist our two-person crew format for garbage collection. Specific details as to expected tonnages, days of the week and times of day for this dumping have been provided previously through the WMCC.
 - (vii) The City of Hamilton requires tipping floor improvements at SWARU to improve efficiency of use by civic collection vehicles.
 - (e) That the Director of Public Works be authorized to prepare a strategy for the consideration of the Transport & Environment Committee concerning the management of leaf and yard waste for the City of Hamilton, including collection and disposal, recognizing the need to comply with recent Provincial legislation; and,
 - (f) That this report, if approved by City Council, be forwarded to the Regional Municipality of Hamilton-Wentworth as Hamilton's response to the Regional Solid Waste Management Strategic Plan.
36. (a) That a "No Parking" regulation be implemented on the west side of Oriole Crescent between Martha Street and Glengrove Avenue; and that the City Traffic By-law 89-72 be amended accordingly.
37. That leave be granted to introduce the following Bills:
- (a) A-55 A By-law to close a portion of Mead Avenue for a one year period.
 - (b) A-56 A By-law to amend By-law No. 89-72 to Regulate Traffic.
 - (c) A-57 A By-law to amend By-law No. 89-72 to Regulate Traffic.
 - (d) A-58 A By-law to Incorporate Prts 33 and 34, on Plan 62R-11631 into Annapolis Way.
 - (e) A-59 A By-law to Incorporate Parts 4,5 and 6, Plan 62R-12435 into Annapolis Way.

1994 August 30

- (f) A-60 A By-law to Incorporate all of Block 12, Plan 62M-634 into Artistic Boulevard.

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRPERSON
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin Christenson
Secretary**

1994 August 22

1994 August 30

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
a) 528643003	Reconstruct Roxborough, Parkdale to Reid	\$ 390,000.00	\$ 365,148.00	\$ 24,852.00	Reserve for City Share of Services
b) 528643005	Catchbasins- Alma Eva-Eleanor-Alma-Dulgarin	\$ 27,000.00	\$ 23,064.00	\$ 3,936.00	Reserve for Capital Projects /Province
c) 528643007	Catchbasins- Kennedy & Maltin- W end Upper James	\$ 26,000.00	\$ 24,176.00	\$ 1,824.00	Reserve for Capital Projects /Province
d) 528644001	Repairs to MacNab and Mary Street Bridges	\$ 135,000.00	\$ 9,747.00	\$125,253.00	Current Budget/ Province
e) 528649001	Retaining Wall Potruff Road	\$ 4,300.00	\$ 4,229.00	\$ 71.00	Current Budget
f) 528649003	Storm water control dams - design	\$ 10,000.00	\$ 2,384.00	\$ 7,616.00	Current Budget
g) 528843001	Design of York Blvd. Triangle north west corner	\$ 35,040.00	\$ 0	\$ 35,040.00	Reserve for Capital Projects
h) 528744002	Street Lighting, walks - McQueston Bridge	\$ 155,000.00	\$ 101,917.00	\$ 53,083.00	Capital Levy
i) 528749001	Repair Hunter St. retaining wall	\$ 15,000.00	\$ 7,062.00	\$ 7,938.00	Current Budget
j) 528943002	Albright Rd. - 190m west of Nicklaus - 115m westerly	\$ 104,000.00	\$ 77,221.00	\$ 26,779.00	Reserve for Capital Projects /Province
k) 529247003	Cardinal Heights No. 5 - Phase 3 Roads/Walks	\$ 2,280.00	\$ 1,448.00	\$ 821.00	Reserve for services through unsubsiv'd lands
l) 528346004	Glen Arms Manor - Phase 2 Roads/Walks	\$ 39,660.00	\$ 29,754.00	\$ 9,906.00	Reserve for services through unsubsiv'd lands
m) 528446005	Approaches Limeridge Rd. E. Roads/Walks	\$ 3,000.00	\$ 2,898.00	\$ 102.00	Reserve for services through unsubsiv'd lands
n) 528446006	Curb & Gutters - Magna Court and Vesperi- Rds/Wks	\$ 29,900.00	\$ 26,314.00	\$ 3,586.00	Reserve for services through unsubsiv'd lands

1994 August 30

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
o) 528446008	Brookstrm, Galloway, Forestgate - Roads/Walks	\$ 17,000.00	\$ 11,934.00	\$ 5,066.00	Reserve for services through unsubdivided lands
p) 528446011	Mohawk Gardens - Phase 1- Rds/Wks	\$ 292,430.00	\$ 241,279.00	\$ 51,151.00	Reserve for services through unsubdiv'd lands
q) 528446014	Gilkson Meadows - Phase 2 - Roads/Walks	\$ 10,790.00	\$ 7,867.00	\$ 2,923.00	Reserve for services through unsubdiv'd lands
r) 528546002	Regent Court - Roads/Walks	\$ 8,260.00	\$ 145.00	\$ 8,115.00	Reserve for services through unsubdiv'd lands
s) 528546003	Cardinal Heights Add. No. 5 - Ph. 4 - Rds/Wks	\$ 51,500.00	\$ 43,662.00	\$ 7,838.00	Reserve for services through unsubdiv'd lands
t) 528546005	Mohawk Gardens - Ph. 3, Stg. 2 - Roads/Walks	\$ 92,700.00	\$ 68,805.00	\$ 23,895.00	Reserve for services through unsubdiv'd lands
u) 528546009	Chateau Estates Phase 2 - Rds/Wks	\$ 13,360.00	\$ 11,250.00	\$ 2,110.00	Reserve for services through unsubdiv'd lands
v) 528547001	Cardinal Heights Addition No. 5 - Ph. 4 - Swr/Wtr	\$ 20,520.00	\$ 16,412.00	\$ 4,108.00	Reserve for services through unsubdiv'd lands
w) 528646010	Fieldway - Upper Wentworth Roads/Walks	\$ 68,710.00	\$ 62,410.00	\$ 6,300.00	Reserve for services through unsubdiv'd lands
x) 528646017	Aspen West - Ph. 2 - Rds/Wks	\$ 53,020.00	\$ 41,378.00	\$ 11,642.00	Reserve for services through unsubdiv'd lands
y) 528647001	Paradise Green - Swr/Wtr	\$ 15,880.00	\$ 15,874.00	\$ 6.00	Reserve for services through unsubdiv'd lands
z) 528746003	Gourley Park Block "A" - Rds/Wks	\$ 4,500.00	\$ 2,270.00	\$ 1,486.00	Reserve for services through unsubdiv'd lands
aa) 528746004	Quinndale Gardens Block "H" - Rds/Wks	\$ 3,000.00	\$ 1,514.00	\$ 1,486.00	Reserve for services through unsubdiv'd lands

1994 August 30

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
bb) 528746012	Greenhill Gardens Phase 3 - Fencing	\$ 4,790.00	\$ 4,248.00	\$ 542.00	Reserve for services through unsubdiv'd lands
cc) 528746015	Guildwood - Trevi - Novoco Drive - Rds/Wks	\$ 145,000.00	\$ 148,815.00	(\$ 3,815.00)	Reserve for services through unsubdiv'd lands
dd) 528746017	Sandrina Gardens - Rds/Wks	\$ 77,210.00	\$ 70,606.00	\$ 6,604.00	Reserve for services through unsubdiv'd lands
ee) 528846001	Rymal Survey Addition- Rds/Wks	\$ 37,800.00	\$ 21,556.00	\$ 16,244.00	Reserve for services through unsubdiv'd lands
ff) 528846009	Aquila Place - Phase 2 - Rds/Wks	\$ 41,900.00	\$ 41,594.00	\$ 306.00	Reserve for services through unsubdiv'd lands
gg) 528846012	Abby Hill Farm Phase 1 - Rds/Wks	\$ 272,180.00	\$ 272,179.00	\$ 1.00	Reserve for services through unsubdiv'd lands
hh) 528846013	Red Hill Manor No. 2 - Rds/Wks	\$ 21,040.00	\$ 15,197.00	\$ 5,843.00	Reserve for services through unsubdiv'd lands
ii) 528846016	Bentwood Place - Rds/Wks	\$ 55,340.00	\$ 40,544.00	\$ 14,796.00	Reserve for services through unsubdiv'd lands
TOTAL				\$ 475,569.00	

1994 August 30

Name	Type	GRADES ONLY	
		94-95	95-96
Adair Equipment	Cat 69		\$136.00
	Cat 65	\$132.00	\$140.00
J. Chastney	Champion 67	\$132.00	\$136.00
	Champion 70		\$140.00
Danbill Equipment	(a) Champion	\$132.00	\$136.00
	(b) Champion	\$132.00	\$140.00
	(c) Champion	\$132.00	\$140.00
	(d) Champion	\$132.00	\$140.00
	(e) Wabco	\$132.00	\$140.00
	(f) Wabco	\$132.00	\$140.00
	(g) Champion	\$132.00	\$140.00
	(h) Cat 12-70	\$132.00	\$140.00
	(i) Champion	\$132.00	\$140.00
G.F. Mason Excavating Ltd.	Gallion 1976	\$132.00	\$136.00
Spar-Con. Construction Ltd.	Champion 600-1973	\$132.00	\$140.00
JDR. Tools & Equipment	JD 770 B.H.	\$132.00	\$140.00
Dig It Construction	Champion 562	\$132.00	\$136.00
	Champion 562	\$132.00	\$140.00
	Champion 600	\$132.00	\$140.00
	Champion 600	\$132.00	\$140.00
Bill Price Grader Rentals	Cat 1406	\$132.00	\$136.00
	Cat 120 G	\$132.00	\$140.00
	Cat 120	\$132.00	\$140.00
	Cat 120	\$132.00	\$140.00
	Cat 12 P.	\$132.00	\$140.00
Tim Lipsitt	Champion 715	\$132.00	\$136.00
			\$140.00

Name	Type	GRADERS ONLY			Page 2
		94-95	95-96	Rates 96-97	
All Around Contracting Inc.	Champion 740	\$132.00	\$136.00	\$140.00	
Rioux Excavating	Gallion	\$132.00	\$136.00	\$140.00	
G. Mason Construction	Champion 562	\$132.00	\$136.00	\$140.00	
Workman Excavating	MT. 1805	\$132.00	\$136.00	\$140.00	
	MT. 1805	\$132.00	\$136.00	\$140.00	
Groves Ltd.	Champion D600	\$132.00	\$136.00	\$140.00	
King Paving & Mat	Champion 1705	\$120.00	\$124.00	\$128.00	
	Wabco 1708	\$120.00	\$124.00	\$128.00	
	Wabco 1709	\$120.00	\$124.00	\$128.00	
N.R.G.	Wabco 440	\$130.00	\$134.00	\$138.00	
Blacktop Enterprises Ltd.	Cat 12 E	\$132.00	\$136.00	\$140.00	
	Cat 12 E	\$132.00	\$136.00	\$140.00	

Name	Type	ARTICULATING LOADERS		
		94-95	Art's 95-96	96-97
J. Chastney	Clark 80	\$ 98.00	\$101.00	\$104.00
	Clark - Blade 80	\$107.00	\$110.00	\$113.00
Danbill Equipment	Case. W. 1986 - 4 cuyd.	\$ 98.00	\$101.00	\$104.00
	Case. W. 1986 - 4 cuyd. Blade	\$107.00	\$110.00	\$113.00
Tri-R. Trucking	Case 621 1989 - 4yd.	\$ 98.00	\$101.00	\$104.00
	Romatsu. WA 180 1990 - 4yd.	\$ 98.00	\$101.00	\$104.00
Nutri-Turf Inc.	Michlgan 125A - 4yd.	\$ 75.00	\$ 78.00	\$ 82.00
	Hough 120 - 6yd.	\$ 75.00	\$ 78.00	\$ 82.00
G.F. Mason Excavating Ltd.	Terex 72.31 1984 - 4yd.	\$ 98.00	\$101.00	\$104.00
	Terex 72.51 1981 - 5yd.	\$ 98.00	\$101.00	\$104.00
JDR. Tools & Equipment	JD 644E - 5 cuyd.	\$ 98.00	\$101.00	\$104.00
L.M. Enterprises	John Deer 544 1989 - 3 yd.	\$ 98.00	\$101.00	\$104.00
E. Woytkiw Haulage	JD 444 - 4cuyd.	\$ 98.00	\$101.00	\$104.00
	JD 624 - 4cuyd.	\$ 98.00	\$101.00	\$104.00
	JD 544 - 4cuyd.	\$ 98.00	\$101.00	\$104.00
	Cat 950 - cuyd.	\$ 98.00	\$101.00	\$104.00
	JD 444 - Blade	\$107.00	\$110.00	\$113.00
	JD 624 - Blade	\$107.00	\$110.00	\$113.00
Cardi Construction	Cat 950E - 4yd.	\$ 98.00	\$101.00	\$104.00
Cardeen Construction	Cat IT28B - 4cuyd.	\$ 98.00	\$101.00	\$104.00
	Cat IT28B - 4cuyd.	\$ 98.00	\$101.00	\$104.00
Ottavio Ciccarelli & Son	Catapillar IT 18 - 3 1/2cuyd.	\$ 98.00	\$101.00	\$104.00
	Catapillar IT 28 - 4cuyd.	\$ 98.00	\$101.00	\$104.00
	Catapillar IT 28 - 10' Blade	\$107.00	\$110.00	\$113.00

1994 August 30

ARTICULATING LOADERS					Page 2
Name	Type	94-95	Rate 95-96	96-97	
Rioux Excavating	Hough - 4cuyd.	\$ 98.00	\$101.00	\$104.00	
G. Mason Construction	Clark B 275	\$ 98.00	\$101.00	\$104.00	

1994 August 30

DOSER - D7 OR EQUIVALENT

<u>Name</u>	<u>Address</u>	<u>Type</u>	<u>94-95</u>	<u>Rater</u> <u>95-96</u>	<u>96-97</u>
Danbill Equipment Rentals	58 Robson Crescent, Hamilton 388-9817	Cat D7 Cat D7 Cat D8	\$80.96 \$80.96 \$80.96	\$83.98 \$83.98 \$83.98	\$86.98 \$86.98 \$86.98
G.F. Mason Excavating Ltd.	19 Leslie, Stoney Creek 662-8446, 662-8466, 561-0165	Terex 82.20 Terex 82.20	\$80.00 \$80.00	\$86.00 \$86.00	\$89.00 \$89.00
JDR Tools & Equipment	495 Arvin Avenue, Stoney Creek 662-7064, 662-5766	JD 550	\$74.00	\$77.00	\$80.00
Nelson Excavating Co. Ltd.	150 Brockley Drive, Stoney Creek 561-1226, 561-1263	Komatsu D65	\$80.00	\$84.00	\$88.00
Cormar Contracting Ltd.	624 Arvin Avenue, Stoney Creek 643-9110, 634-9113	Liebherr 631	\$79.00	\$82.00	\$86.00
N.R.G.	98 Chipman Street, Cambridge (416) 605-7502, (519) 658-8199	Cat D7	\$80.00	\$84.00	\$88.00

4 X 4 Pushers

<u>Name</u>	<u>Address</u>	<u>Type</u>	<u>94-95</u>	<u>95-96</u>	<u>96-97</u>
Nutri-Turf Inc.	658 Concession 5, Millgrove (905) 689-4654, (950) 684-0504	Chev. 2500 - 8' Blade Ford F350 - 9'6" Blade	\$39.00 \$39.00	\$41.00 \$41.00	\$43.00 \$43.00
Green Mountain Property Maintenance	34 Arbutus Crescent, Stoney Creek, 560-4002	Ford 250 - 8'	\$46.00	\$46.00	\$46.00
Keldi Enterprise	8526 Airport Road, Mount Hope 679-3186, 679-0903	GMC - 7 1/2' Ford - 8' Blaser - 7' Chev. - 7 1/2' Ford - 7' Chev. - 7'	\$47.00 \$47.00 \$47.00 \$47.00 \$47.00 \$47.00	\$49.00 \$49.00 \$49.00 \$49.00 \$49.00 \$49.00	\$51.00 \$51.00 \$51.00 \$51.00 \$51.00 \$51.00
Digmor Excavating	120 Second Road West, Stoney Creek, 578-9988	Ford 250 - 8' Blade	\$45.00	\$47.00	\$49.00
CLM Heavy Equipment Rentals	3417 Hwy. 6, Mount Hope 679-1074	Ford F150 - 7 1/2' Toyota X Cab - 7 1/2' Chev. 3/4 ton - 7 1/2'	\$44.00 \$46.00 \$46.00	\$45.00 \$47.00 \$47.00	\$46.00 \$48.00 \$48.00
Sunrise Deck Fence Landscape	6 Pinetree Court, Dundas 628-1944	GMC 3500 - 9' GMC 3500 - 9'	\$45.00 \$45.00	\$47.00 \$47.00	\$49.00 \$49.00
The Outdoor Work Ltd.	198 Barton Street West, Hamilton 570-0188, 527-5634	Ford 450 - 9' Ford 350 - 9' Ford 250 - 8' GMC 1500 - 7 1/2' GMC 1500 - 7 1/2' Bronco - 7 1/2'	\$44.00 \$44.00 \$44.00 \$44.00 \$44.00 \$44.00	\$46.00 \$46.00 \$46.00 \$46.00 \$46.00 \$46.00	\$48.00 \$48.00 \$48.00 \$48.00 \$48.00 \$48.00
L. Palvolgyi General Contracting	269 Mud Street East, Stoney Creek, 662-6296	GMC - 7 1/2'	\$44.00	\$46.00	\$48.00

1994 August 30

SIDEWALK EQUIPMENT - BOBCAT/BOMBARDIER

Name	Address	Type	94-95	95-96	96-97
E. Woytkiw Haulage	2227 Rymal Road East, Stoney Creek, 575-4100, 578-9917	(3) Bobcats - 54" to 60"	\$48.00ea	\$50.00	\$52.00
Dignor Excavating Ltd.	120 Second Road West, Stoney Creek, 578-9988	Bobcat 743 - 5' Blade	\$46.00	\$48.00	\$50.00
CLM Heavy Equipment Rentals	3417 Hwy. 6, Mount Hope 679-1074	New Holland 455 - 4' New Holland 455 - 4' New Holland 455 - 4'	\$44.00 \$44.00 \$44.00	\$46.00 \$46.00 \$46.00	\$48.00 \$48.00 \$48.00
Sunrise Deck Fence Landscape	6 Pinetree Court 628-1944	Bobcat 743 - 5'	\$46.00	\$48.00	\$50.00
The Outdoor Works Ltd.	198 Barton Street West 570-0188, 527-5634	Gehl. 5625 - 5' Case 1428 - 4' Bobcat 743 - 5' Bobcat 743 - 5' Bobcat 743 - 5' Bobcat 743 - 5'	\$44.00 \$44.00 \$44.00 \$44.00 \$44.00 \$44.00	\$46.00 \$46.00 \$46.00 \$46.00 \$46.00 \$46.00	\$48.00 \$48.00 \$48.00 \$48.00 \$48.00 \$48.00
L. Palvoyley General Contracting	269 Mud Street East, Stoney Creek, 662-6296	Bobcat 743 - 6'	\$45.00	\$47.00	\$49.00
B. Spears Excavating	161 Allenby Avenue, Hamilton 575-4240	Case 1845 - 5'	\$48.00	\$50.00	\$52.00
Niagara Custom Built Homes	77 Adriatic Blvd., Stoney Creek 643-6606	Thomas 133 - 5'	\$40.00	\$40.00	\$40.00
Danblll Equipment Rentals	58 Robson Crescent, Hamilton 388-9817	Bobcat - 5'	\$48.00	\$50.00	\$52.00

SIDEWALK EQUIPMENT - BOBCAT/BOMBADIERS

Name	Address	Type	Rate 94-95	Rate 95-96	Rate 96-97
Tri-R Trucking	66 Canterbury, Stoney Creek 541-3980, 548-6223	Bobcat 843 - 60" Bobcat 843 - 60"	\$48.00 \$48.00	\$50.00 \$50.00	\$52.00 \$52.00
Nutri-Turf Inc.	658 Concession 5, Millgrove 689-4654, 689-0504	Gehl. 5625 (72" - 6')	\$45.00	\$47.00	\$49.00
JDR Tools & Equipment	495 Arvin Avenue, Stoney Creek 662-7064, 662-5366	Bobcat 743 - 5' Thomas BIC - 5' Prime Mover - 5'	\$46.99 \$46.99 \$46.99	\$48.99 \$48.99 \$48.99	\$50.99 \$50.99 \$50.99
Sunset Landscape Const. Ltd.	457 Hwy. #1, RR#1 Dundas 648-8807, 648-5517	Bobcat 743 - 5' Bobcat 7775 - 5'6" Bobcat 7753 - 5'6"	\$48.00 \$48.00 \$48.00	\$50.00 \$50.00 \$50.00	\$52.00 \$52.00 \$52.00
Corrmar Contracting Ltd.	624 Arvin Avenue, Stoney Creek 643-9110, 634-9113	Case 1840 - 54" Blade	\$47.00	\$49.00	\$51.00
Cardi Construction	24 Garden Avenue, Stoney Creek 560-3122, 560-5803	Bobcat 743 - 1/2cuyd. bucket Bobcat 743 - 1/2cuyd. bucket	\$48.00 \$48.00	\$50.00 \$50.00	\$52.00 \$52.00
RCM Contracting	54 Pleasant Avenue, Hamilton 389-6101	New Holland L455 - 4' New Holland L455 - 4'	\$46.00 \$46.00	\$48.00 \$48.00	\$50.00 \$50.00
Workman Excavating	849 Butter Road West, Ancaster 648-5521	Thomas - 4 1/2' Bombadier - 4'	\$48.00 \$61.00	\$50.00 \$63.00	\$52.00 \$65.00
Keldi Enterprises	8526 Airport Road, Mount Hope 679-3186, 679-0903	Case 1845 - 5' Bobcat 7753 - 5' Case 1845 - 5' Case 1845 - 5'	\$48.00 \$48.00 \$48.00 \$48.00	\$50.00 \$50.00 \$50.00 \$50.00	\$52.00 \$52.00 \$52.00 \$52.00

1994 August 30

SIDEWALK EQUIPMENT - TRACTOR-MOUNTED SNOW BLOWERS

Name	Address	Type	Rate 94-95	Rate 95-96	Rate 96-97
Workman Excavating	849 Butter Road West, Ancaster 648-5521	11H 1086 (130hp) Case 1H 2294 (130 hp) MF 1135 (130 hp)	\$95.00 \$95.00 \$95.00	\$98.00 \$98.00 \$98.00	\$101.00 \$101.00 \$101.00
Danbill Equipment Rentals	58 Robson Crescent, Hamilton 388-9817	John Deer - 40	\$95.00	\$98.00	\$101.00

1994 August 30

SIDEWALK EQUIPMENT - BOBCAT WITH BLOWER

<u>Name</u>	<u>Address</u>	<u>Type</u>	<u>Rate</u> 94-95	<u>Rate</u> 95-96	<u>Rate</u> 96-97
Crescan Landscaping Contracting	Mount Hope 679-1100, 679-0353	Bobcat 753 (25 hp)	\$53.00	\$54.50	\$54.75
Bill Price Grader Rentals	2920 South Grimsby Road, Smithville, 957-0410, 541-0498	Thomas 233HD (60hp)	\$53.00	\$55.00	\$55.00

1994 August 30

Name	Address	TRUCKS - TANDEM - TRIAXLE		Rate	
		Type	94-95	95-96	96-97
Mountainview Excavating	908 Ridge Road East, Stoney Creek, 643-3612, 643-1154	GMC Brigadere - 18cuyd. MAC RB 6885 - 18-20cuyd. MAC 24-2C cuyd.	\$43.00 \$43.00 \$48.00	\$45.00 \$45.00 \$50.00	\$47.00 \$47.00 \$52.00
10022538 Ontario Ltd. c/o Jasen Enterprises	65 Morley, Hamilton 545-4500, 545-4501	MAC - 18cuyd. MAC - 18cuyd. INT/H. - 18cuyd.	\$43.00 \$43.00 \$43.00	\$45.00 \$45.00 \$45.00	\$47.00 \$47.00 \$47.00
Ottavio Ciccarelli & Son	807-53 Hwy., Ancaster 648-9677, 648-5178	MAC 686DM - 18cuyd. International - 18cuyd. International - 18cuyd. MAC C5300P - 12cuyd.	\$43.00 \$43.00 \$43.00 \$40.00	\$45.00 \$45.00 \$45.00 \$41.00	\$47.00 \$47.00 \$47.00 \$42.00
Dennis Walters Trucking	4069-21st Street, RR#1 Jordan 562-3222	1 HC - 18cuyd. (+7½) 1 HC - 18cuyd. (+7½) INTNSS - 22cuyd. (+7½) INTNSP2 - 22cuyd. (+7½)	\$40.00 \$40.00 \$45.00 \$45.00	\$42.00 \$42.00 \$48.00 \$48.00	\$45.00 \$45.00 \$50.00 \$50.00
Digmor Excavating Ltd.	120 Second Road West, Stoney Creek, 578-9988	Western Star-18cuyd. (+7½) Western Star-18cuyd. (+7½)	\$42.00 \$42.00	\$44.00 \$44.00	\$46.00 \$46.00
Budacki Trucking	3387 Townline, Grassie 643-2342	Ford LTD 9000 - 18cuyd.	\$41.00	\$43.00	\$45.00
F & S Excavating Ltd.	9 Tamarack Place, Stoney Creek 577-1649	MAC DM - 18cuyd. MAC DM - 18cuyd. Ford 8000 - 18cuyd. MAC - 18cuyd. Ford - 18cuyd.	\$42.95 \$42.95 \$42.95 \$42.95 \$42.95	\$44.95 \$44.95 \$44.95 \$44.95 \$44.95	\$46.95 \$46.95 \$46.95 \$46.95 \$46.95

Name	Address	TRUCKS - TANDEM - TRIANGLE		Page 2
		Type	Rate	
A. Greco	643-0151	Ford 9000 - 18cuyd.	94-95	96-97
		Ford 9000 - 18cuyd.	\$43.00	\$45.00
		Ford 9000 - 18cuyd.	\$43.00	\$47.00
Angel Excavating	420 Hwy. #8, Stoney Creek 664-2191	Ford LTS - 16cuyd.	\$43.00	\$45.00
				\$47.00
G. Mason Construction	8 Lakeshore Road, Stoney Creek 643-4220, 643-9513	Western Star - 18cuyd.	\$43.00	\$45.00
		Western Star - 18cuyd.	\$43.00	\$47.00
Battlefield Bobcat Service	367 Hemlock Avenue, Stoney Creek 662-3360, 662-8015	Ford 9000 - 18cuyd.	\$43.00	\$45.00
				\$47.00
Bill Wilcockson Trenching	182 East 19th Street, Hamilton 383-7372			
Battaglia Construction	1650 Upper Ottawa, Hamilton 388-2760, 575-0842	GMC - 18cuyd.	\$43.00	\$45.00
				\$47.00
Hollan Construction	40 Hildegard Drive, Hamilton 561-0352	Ford 8000 - 14cuyd.	\$43.00	\$45.00
				\$47.00
Roma Construction	2 Hewitson, Stoney Creek 643-4487	Ford - 16cuyd.	\$43.00	\$45.00
		Ford - 16cuyd.	\$43.00	\$45.00
		Ford - 18cuyd.	\$43.00	\$45.00
Tony & Paul Concrete	6 Hewitson, Stoney Creek 643-1735	Chev. - 18cuyd.	\$43.00	\$45.00
		Ford - 18cuyd.	\$43.00	\$45.00
Tri-R. Trucking	66 Canterbury, Stoney Creek 541-3980, 548-6223	Ford 8000 - 18cuyd.	\$43.00	\$45.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00
		International 1900 - 18cuyd.	\$43.00	\$45.00
		GMC J8 - 18cuyd.	\$43.00	\$45.00
		Ford 9000 - 18cuyd.	\$43.00	\$45.00

1994 August 30

Name	Address	TRUCKS - VANDEM - TRIANGLE		Page 3
		Type	Rate	
Tri-R. Trucking cont'd...		94-98	95-96	96-97
		Ford 8000 - 18cuyd.	\$43.00	\$45.00
		MAC 6865 - 18cuyd.	\$43.00	\$45.00
		Ford 9000 - 18cuyd.	\$43.00	\$45.00
G. P. Mason Excavating Ltd.	19 Leslie Drive, Stoney Creek 662-8446, 561-0165, 662-8466	Ford 8000 - 18cuyd.	\$43.00	\$45.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00
JDR. Tools & Equipment	495 Arvin Avenue, Stoney Creek 662-7064, 662-5366	Ford - 16cuyd.	\$43.00	\$45.00
		Ford - 16cuyd.	\$43.00	\$45.00
		Ford - 16cuyd.	\$43.00	\$45.00
		Auto Car - 20cuyd.	\$48.00	\$50.00
L.M. Enterprises	27 Crooks Street, Hamilton 572-9655, 575-5259	MACK DM - 18cuyd.	\$43.00	\$45.00
		MACK DM - 18cuyd.	\$43.00	\$45.00
		MACK DM - 18cuyd.	\$43.00	\$45.00
		Ford L8000 - 18cuyd.	\$43.00	\$45.00
Tim Lipsitt Excavating	467 Maple Avenue, Grimsby 945-7727	Ford L8000 - 18cuyd.	\$43.00	\$45.00
		Ford L8000 - 18cuyd.	\$43.00	\$45.00
		Ford L8000 - 18cuyd.	\$43.00	\$45.00
		International 2600	\$43.00	\$45.00
Cornear Construction	624 Arvin Avenue, Stoney Creek 643-9110, 634-9113	International 1954 - 16cuyd.	\$43.00	\$45.00
		International 1954 - 16cuyd.	\$43.00	\$45.00
		MACK DM 600 - 16cuyd.	\$43.00	\$45.00
		International Paymaster -20cuyd.	\$48.00	\$50.00

Name	Address	TRUCKS - TANDEN - TRIANGLE Type	Rate		Page 4
			94-95	95-96	
Cardi Construction Ltd.	24 Garden Avenue, Stoney Creek 560-3122, 560-5803	MACK 600 - 18cuyd.	\$43.00	\$45.00	\$47.00
		MACK 600 - 18cuyd.	\$43.00	\$45.00	\$47.00
		MACK 600 - 18cuyd.	\$43.00	\$45.00	\$47.00
		MACK 600 - 18cuyd.	\$43.00	\$45.00	\$47.00
		MACK 600 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford Col. - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford Col. - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford Col. - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford Col. - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford Col. - 18cuyd.	\$43.00	\$45.00	\$47.00
Sannio Construction	128 Deerpurst Road, Stoney Creek 662-4494	Ford 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
All Around Contracting Inc.	165 Sloayze Road, Hannon 692-4558, 692-9012	MACK DM - 22cuyd.	\$43.00	\$45.00	\$47.00
		Havistar 826000 - 32-55cuyd.	\$48.00	\$50.00	\$52.00
Tomac Trucking	52 Hixon Road, Hamilton 547-1925, (mobile) 577-7817	Ford - 20cuyd.	\$40.00	\$42.00	\$44.00
Mike Sartra	118 Main Street North, Waterdown 689-6012, (mobile) 577-5025	Ford 8000 - 18cuyd.	\$42.00	\$44.00	\$46.00
Nutri-Turf Inc.	658 Concession 5, Millgrove 689-4654, 689-0504	Ford 8000 - 18cuyd.	\$39.00	\$40.00	\$42.00
D. Swing Trucking	4039 Hwy. #6, Mount Hope 541-3654, 541-3980	International RBT - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		International 1900 - 18cuyd.	\$43.00	\$45.00	\$47.00
		GMC J8 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 9000 95 - 18cuyd.	\$43.00	\$45.00	\$47.00

TRUCKS - TANDEM - TRIANGLE					Page 5
Name	Address	Type	Rate	Rate	
George Nikolica	37 Abbingdon Drive, Hamilton 389-7859	Western Star - 18cuyd.	94-95	95-96	96-97
Pasinato Haulage Corp.	213 Stone Church Road West, Hamilton, 383-0141, 318-7567	20 tendered only - 16 listed all at \$43.00 for 94 to 95, some have tendered separate.	\$43.00	\$45.00	\$47.00
		Bosna - MAC DM 690-18cuyd.	\$43.00	\$45.00	\$47.00
		S. Jurcic - Ford 9000-18cuyd.	\$43.00	\$45.00	\$47.00
		Molnz - Ford 8000-15cuyd.	\$43.00	\$45.00	\$47.00
		Percira - Int. 1900-18cuyd.	\$43.00	\$45.00	\$47.00
		Cooper - Ford L9000-18cuyd.	\$43.00	\$45.00	\$47.00
		Cooper - Ford L9000-18cuyd.	\$43.00	\$45.00	\$47.00
		F. Cameron - Ford 8000-18cuyd.	\$43.00	\$45.00	\$47.00
		P. Jovanovic-MACDM-14 1/2cuyd.	\$43.00	\$45.00	\$47.00
		Z. Kiperovic-MACDM-16cuyd.	\$43.00	\$45.00	\$47.00
		S. Singh - Weststar-18cuyd.	\$43.00	\$45.00	\$47.00
		Tojo - Ford-18cuyd.	\$43.00	\$45.00	\$47.00
		G. Cordeiro-Ford 9000-16cuyd.	\$43.00	\$45.00	\$47.00
		C. Castellano-Ford-20cuyd.	\$43.00	\$45.00	\$47.00
		Svleic-Ford 9000-18cuyd.	\$43.00	\$45.00	\$47.00
		P. Dordevic-Ford9000- 15 1/2cuyd.	\$43.00	\$45.00	\$47.00
F. Camara	211 Mount Albion, Hamilton 573-1063	Milan - MAC DM - 18cuyd.	\$43.00	\$45.00	\$47.00
		LTS 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
Keldl Enterprise	8526 Airport Road, Mount Hope 679-3186, 679-0903	12 Tandem - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00

Name	Address	TRUCKS - TANDEM - TRIAXLE Type	Page 6		
			94-95	Rate 95-96	96-97
Keldi Enterprise cont'd..		Volvo - 18cuyd.	\$43.00	\$45.00	\$47.00
		MAC - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 18cuyd.	\$43.00	\$45.00	\$47.00
		10 Tandems - 18 to 20cuyd.	\$43.00ea	\$45.00	\$47.00
E. Woytkiw Haulage	2227 Rymal Road East, Stoney Creek, 575-4100, 578-9917	10 Triaxes - 20 to 24cuyd.	\$48.00ea	\$50.00	\$52.00
Leo Stremble	802 Hwy. #97, RR#3 Pushlinch 659-7830, 541-2626	Ford L9000 - 27cuyd.	\$48.00	\$50.00	\$52.00
		MAC - 23cuyd.	\$48.00	\$50.00	\$52.00
		GM - 16 1/2cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 17 1/2cuyd.	\$43.00	\$45.00	\$47.00
		Kenworth - 18cuyd.	\$43.00	\$45.00	\$47.00
The Outdoor Works Ltd.	198 Barton Street West, Hamilton 570-0188, 527-5634	30 tendered, only 9 listed			
		Ford - 18cuyd.	\$42.00	\$44.00	\$46.00
		Ford - 18cuyd.	\$42.00	\$44.00	\$46.00
		Ford - 18cuyd.	\$42.00	\$44.00	\$46.00
		Ford - 18cuyd.	\$42.00	\$44.00	\$46.00
		MAC - 18cuyd.	\$42.00	\$44.00	\$46.00
		MAC - 18cuyd.	\$42.00	\$44.00	\$46.00
		Western - 18cuyd.	\$42.00	\$44.00	\$46.00
		Ford - 18cuyd.	\$42.00	\$44.00	\$46.00
		Ford - 18cuyd.	\$42.00	\$44.00	\$46.00
Gord Cooper Trucking	545 Barnaby, Hamilton 545-4722	Ford 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 8000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 9000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford - 25cuyd.	\$48.00	\$50.00	\$52.00
Bill Spears Excavating	161 Allenby Avenue, Hamilton 575-4240	Ford 9000 - 18cuyd.	\$43.00	\$45.00	\$47.00
		Ford 9000 - 18cuyd.	\$43.00	\$45.00	\$47.00

1994 August 30

Name	Address	TRUCKS - TANDEN - TRIANGLE		Page 7	
		Type	Rate	94-95	95-96
Frank Santinhos Haulage	158 Dundurn Street North, Hamilton, 525-6602	Ford L8000 - 15 1/2cuyd. Ford L8000 - 15 cuyd.	\$42.00 \$42.00	\$42.00 \$44.00	\$46.00 \$46.00
Jim Caucchi	38 Cherryridge Close, Hamilton 561-6119	Ford - 16cuyd.	\$43.00	\$45.00	\$47.00

1994 August 30

TRUCKS - LOADERS

<u>Name</u>	<u>Address</u>	<u>Type</u>	<u>94-95</u>	<u>Rate</u> <u>95-96</u>	<u>96-97</u>
Mountainview Excavating	908 Ridge Road East, Stoney Creek 643-3612, 643-1154	Case 580K - 1 1/2cuyd. bucket Case 580K - 1 1/2cuyd. bucket Case 580E - 1 1/2cuyd. bucket	\$59.00 \$59.00 \$55.00	\$57.00 \$57.00 \$57.00	\$59.00 \$59.00 \$59.00
F & S Excavating Ltd.	9 Tamarack Place, Stoney Creek 577-1649	JD 310 - 1 1/2cuyd. JD 410 - 1 3/4cuyd. Case 580 - 1 3/4cuyd.	\$54.95 \$54.95 \$54.95	\$56.95 \$56.95 \$56.95	\$58.95 \$58.95 \$58.95
Angel Excavating	420 Hwy. #8, Stoney Creek 664-2191	Case 580K - 1 1/4cuyd. bucket	\$55.00	\$57.00	\$59.00
Bill Wilcockson Trenching	182 East 19th Street, Hamilton 383-7372	Ford 455 - 1 1/2cuyd. Ford 555 - 1 1/2cuyd.	\$52.00 \$52.00	\$54.00 \$54.00	\$56.00 \$56.00
The Outdoor Works Ltd.	198 Barton Street West, Hamilton 570-0188, 527-5634	John Deer 410C-1 1/2cuyd. Case - 1 1/2cuyd. Case - 1 1/2cuyd.	\$52.00 \$52.00 \$52.00	\$54.00 \$54.00 \$54.00	\$56.00 \$56.00 \$56.00
Hollan Construction	40 Hildegard Drive, Hamilton 561-0352	Ford 655 - 1 1/2cuyd.	\$55.00	\$57.00	\$59.00
Tony & Paul Concrete	6 Hewitson, Stoney Creek 643-1735	580E-1 1/2cuyd. bucket 580E-1 1/2cuyd. bucket 580E-1 1/2cuyd. bucket	\$55.00 \$55.00 \$55.00	\$57.00 \$57.00 \$57.00	\$59.00 \$59.00 \$59.00
Tri-R. Trucking	66 Canterbury, Stoney Creek 541-3980, 548-6223	Case 580-1 1/2cuyd. bucket Case 580-1 1/2cuyd. bucket	\$55.00 \$55.00	\$57.00 \$57.00	\$59.00 \$59.00
G. F. Mason Excavating Ltd.	19 Leslie Road, Stoney Creek 662-8466	Ford 555B-1 1/2cuyd. bucket	\$55.00	\$57.00	\$59.00

1994 August 30

Name	Address	TRUCKS - LOADERS		Rate	Page 2
		Type	Type		
JDR. Tools & Equipment	495 Arvin Avenue, Stoney Creek 662-7064, 662-5366	JD 310 - 1 1/4cuyd. JD 410 - 1 1/4cuyd. JD 510 - 1 1/4cuyd.		94-95 \$54.25 \$55.00 \$55.00	96-97 \$58.25 \$59.00 \$59.00
L.M. Enterprises	27 Crooks Street, Hamilton 572-9655, 575-5259	Case 580K - 1 1/2cuyd.bucket Case 580K - 1 1/2cuyd.bucket		\$55.00 \$55.00	\$59.00 \$59.00
Cardi Construction Ltd.	24 Garden Avenue, Stoney Creek 560-3122, 560-5803	Cat 416 - 1 1/2cuyd. bucket Cat 416 - 1 1/2cuyd. bucket Case 580K - 1 1/2cuyd.bucket		\$55.00 \$55.00 \$55.00	\$59.00 \$59.00 \$59.00
Sannlo Construction	128 Deerpur Road, Stoney Creek 662-4494	JCB 1400B - 1 1/2cuyd.bucket		\$54.00	\$58.00
All Around Construction Ltd.	165 Sloayze Road, Hannon 692-4588, 692-9012	John Deer 510B - 1 M 3		\$55.00	\$59.00
J. Chastney Leasing	71 Champlain Avenue, Hamilton 561-8240, (mobile) 317-8433	Case 580K - 1 1/2cuyd. JCB 1550 - 1 1/2cuyd.		\$55.00 \$55.00	\$59.00 \$59.00
Sunset Landscaping Construction Ltd.	457 Hwy. #8, RR#1 Dundas 648-8807, 648-5517	Case 580 - 1 1/2cuyd.bucket Case 580 - 1 1/2cuyd.bucket		\$55.00 \$55.00	\$59.00 \$59.00
RCM Contracting	54 Pleasant Avenue, Hamilton 389-6101	Ford 555 - 1 1/2cuyd.bucket Ford 455 - 1 1/2cuyd.bucket Ford 655 - 1 1/2cuyd.bucket		\$50.00 \$50.00 \$50.00	\$54.00 \$54.00 \$54.00
Workman Excavating	849 Butter Road West, Ancaster 648-5521, 648-2641	John Deer 510C - 1 1/2cuyd.		\$55.00	\$59.00
Keldi Enterprise	8526 Airport Road, Mount Hope 679-3186, 679-0903	93JD 410C - 2cuyd. Case 590 - 2cuyd. Cat 426 - 2cuyd.		\$55.00 \$55.00 \$55.00	\$59.00 \$59.00 \$59.00

TRUCKS - LOADERS						Page 3
Name	Address	Type	94-95	95-96	96-97	
E. Woytkiw Haulage	2227 Rymal Road East, Stoney Creek, 575-4100, 578-9917	#6 only 12 Loaders - 1 1/2cuyd. (Ford, Case, John Deer)	\$55.00ea	\$57.00	\$59.00	
Cardeen Construction	22 Garden Avenue, Stoney Creek 664-6917, 560-5803	Case 580K - 1.5cuyd. Case 580K - 1.5cuyd. Case 580K - 1.5cuyd. Case 580K - 1.5cuyd.	\$55.00 \$55.00 \$55.00 \$55.00	\$57.00 \$57.00 \$57.00 \$57.00	\$59.00 \$59.00 \$59.00 \$59.00	
CLM. Heavy Equipment Rentals	3417 Hwy. #6, Mount Hope 679-1074	Ford 555 - 1 1/2cuyd. Ford 555 - 1 1/2cuyd. Ford 555 - 1 1/2cuyd.	\$49.00 \$49.00 \$49.00	\$50.00 \$50.00 \$50.00	\$51.00 \$51.00 \$51.00	
B. Spears Excavating	161 Allenby, Hamilton 575-4240	Case 580E - 1 1/4cuyd.	\$55.00	\$57.00	\$59.00	

1994 August 30

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FOURTEENTH** Report for 1994 and respectfully recommends:

1. That City Council endorse the proposal from the residents in the area of the Father Sean O'Sullivan Park to formally name the Bocce Club and Bocce Association the "Fred Lombardo Bocce Association".
2.
 - (a) That the City of Hamilton's Official New Year's Celebrations be called "Hamilton First Night" starting with the New Year's Celebration 1995 - 1996 to launch Hamilton's Sesquicentennial Celebrations in 1996; and,
 - (b) That a First Night Sub-Committee be struck from the Sesquicentennial Committee to work with the Events Co-ordinator to organize the events; and,
 - (c) That a one time registration fee of \$1,200. U.S. (approximately \$1,680. Canadian) be paid to the Alliance of First Night to register the City of Hamilton for this event from the Special Events - New Year's Eve Account CH 55325-70005.
3. That approval as required by Section 24 (1) and Section 5 (b) of Parks By-law 77-221, be given to Family Services of Hamilton-Wentworth to sell food on the occasion of their Barbecue Dinner, to be held 1994 September 12, 3:00 p.m. to 9:00 p.m. at Dundurn Park Pavilion, subject to the following terms and conditions:
 - (a) That proof of \$2 million General Liability Insurance for Property Damage and Bodily Injury, naming the City as Co-insured with cross liability endorsement be provided; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, clean-up, etc.); and,
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (d) That the event be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.

1994 August 30

4. That approval as required by Section 24 (1), Section 5 (b) and Section 11 (a) of the Parks By-law 77-221 be given to the St. Naum of Ohrid Macedonian Orthodox Church to sell alcoholic beverages, to barbecue and sell food and beverages, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury and proof of \$5 million Liquor Licence Liability Insurance be submitted in advance naming the City as Co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up etc.); and,
 - (c) That alcoholic beverages be served in a confined area of the Park upon receipt of approval of the Liquor Licence Board of Ontario; and,
 - (d) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense.
5.
 - (a) That approval be given to the action taken by the Interim Director of Culture and Recreation in approving the Hamilton Tiger Cats Football Club's request to host a Pre-Game Party Corn Roast, 1994 July 28, 4:30 p.m. to 7:00 p.m. in Brian Timmis Stadium, as required by Section 5 (b) of the Parks By-Law 77-221; and,
 - (b) That approval be given to the action taken by the Interim Director of Culture and Recreation in approving the Hamilton Tiger Cats Football Club's request to sell alcoholic beverages and barbecue during the Pre Game and Post Game Party, 1994 August 5, 4:30 p.m. to 11:00 p.m. in Brian Timmis Stadium, as required by Section 24 (1) and Section 5 (b) of the Parks By-Law 77-221; and,
 - (c) That approval, as required by Section 24 (1) and Section 5 (b) of the Parks By-Law 77-221, be given to the Hamilton Tiger Cat Football Club to sell alcoholic beverages and barbecue during the Pre Game and Post Game Party, in Brian Timmis Stadium on the following dates:

1994 August 27

1994 September 5, 17

1994 October 9, 16

1994 November 6

1994 August 30

- (d) That the approvals for (a), (b) and (c) above be subject to the following terms and conditions:
 - (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury and \$5 million Liquor Liability to be submitted 30 days in advance, naming the City as Co-insured with a cross liability endorsement; and,
 - (ii) That alcoholic beverages (beer only) be served in a confirmed area of the Park (beer tent) upon receipt of approval of the Liquor Licence Board; and,
 - (iii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iv) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (e) That the LLBO be advised that the City of Hamilton is aware of the Hamilton Tiger Cat Football Club's Pre-and Post Game Parties on the dates referred to above, and as such recognize these Football Game events to be of municipal significance, and thus have no objection to the issuance of Special Occasion permits.
6. (a) That the United Way of Burlington, Hamilton-Wentworth be granted permission to host their Opening Ceremony for the Annual Campaign, 1994 September 16 10:00 a.m. - 4:00 p.m. in Harbourfront Park, subject to the following terms and conditions:
- (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as Co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
- (b) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event report submitted to Committee.

1994 August 30

7. (a) That approval be given to the action taken by the Interim Director of Culture and Recreation in approving Mountain Top Vicious Cycle-Mountain Bike Race at Mud Road and Mount Albion Road on 1994 August 7, subject to the following terms and conditions:
 - (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as Co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional police be provided at the applicant's expense.
- (b) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
8. That approval as required by Section 5(b) and Section 11 (a) and (c) of the Parks By-law 77-221 be given to the Highview Baseball Council to barbecue and sell food, beverages and merchandise during the Fun Day at Highview Park on 1994 August 27, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as Co-insured be provided to the City of Hamilton; and,
 - (b) That the Highview Baseball Council comply with all sections of the Parks By-law 77-221.
9. That the Community Council Advisory Committee receive approval to host the 2nd Annual Community Council Advisory Committee Volunteer Awards Recognition during the 1995 January meeting of City Council.

1994 August 30

10. That permission be granted to the Department of Culture and Recreation - Cultural Division to issue twenty-seven adult passes to volunteers who assisted with the 16th Birthday Party for the Hamilton Children's Museum.
11. That permission be granted to charge green fees on a buy two (2) get one (1) free basis for the Municipal Law Enforcement Officers' Association Golf Tournament to be held at Chedoke Golf Course on 1994 September 11.
12. That the City Treasurer be directed to close the following Capital Project Account with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed to Date	Balance Available	Source(s) of Financing
708241001	Construct Highland Gardens Fieldhouse	\$50,000. City Funds \$30,000. Community Funds	\$95.36	\$49,904.64	City of Hamilton Current Budget
TOTAL				\$49,904.64	

13. That the arena floor rental fee be waived for the Inch Park Minor Baseball Association Closing Day Ceremonies, subject to the following conditions:
 - (a) The proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same submitted in advance of the event and naming the City as Co-insured with a cross liability clause; and,
 - (b) The Inch Park Baseball Association assume financial responsibility for any additional costs for the event that are not included within current department budget allocations.

1994 August 30

14. That approval, as required by Section 5 (b) of the Parks By-Law 77-221, be given to the Hamilton Philharmonic Orchestra to barbecue during the "Water Music" performance at Harbourfront Park, 1994 September 18 from 2:00 p.m. - 4:30 p.m., subject to the following terms and conditions:
 - (a) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as Co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
15. That the City, through the Culture and Recreation Department, apply for a Designated Property Grant under LACAC for the reconstruction of the rusticated doors on the Dovecote at Dundurn Castle.
16. That the City, through the Culture and Recreation Department, apply to host a placement student from the Art Conservation Techniques Program, Sir Sanford Fleming College from 1994 September to 1995 April.
17.
 - (a) That the Director of Public Works be authorized to receive proposals from qualified Golf Course Design Architects for the purpose of undertaking an Engineering/Hydraulic Study at both King's Forest and Chedoke Golf Courses to determine and recommend a strategy for minimizing dependency on the municipal water supply for irrigation and snow making (Chedoke only) purposes while recognizing the overriding importance of maintaining the integrity and playability of the existing facilities; and,
 - (b) That the Niagara Escarpment Commission be approached to ensure that any proposal to create reservoirs on the golf courses is accepted in principle prior to any expenditures being spent; and,
 - (c) That an upset limit of \$40,000. be established to undertake this project for both the King's Forest and Chedoke facilities combined, including GST; and,

1994 August 30

- (d) That the Finance and Administration Committee be requested to recommend the method of financing; and,
 - (e) That the Parks Division, Public Works Department, proceed with an inventory of Capital Improvements deemed necessary to allow best use of available financial and staff resources for day to day operations.
 - (f) That these Capital Budget requirements be presented during the Fall of 1994 to the Parks and Recreation Committee for consideration in the 1995 - 2004 Capital Budget.
18. (a) That a geotechnical investigation on all 69 parking lots at community centres, sports complexes, parks and related facilities, as shown on the table entitled "City of Hamilton Parking Lot Locations", attached hereto as Appendix "A", be undertaken to assess the extent of deterioration and to recommend a program for the rehabilitation of parking lots; and,
- (b) That the cost of this geotechnical investigation for up to \$30,000. be taken from the Capital Project Account for Upgrade of Maintenance Depots (1993) - Centre Number 609341014; and,
- (c) That the rehabilitation program be considered in the 1995 - 2004 Capital Budget.
19. (a) That the Public Works Department be authorized to install a 46m - 1.8m high chain link fence on Hamilton Beach extending from the rear of 1145 Beach Boulevard for 46m to the Lake Ontario Shoreline for the purposes of preventing unauthorized vehicle access. A service gate and pedestrian access will be allowed in the fence; and,
- (b) That the City of Hamilton enter into an agreement with Trans Northern Pipeline to erect the aforementioned fence across the 3.0m easement on Hamilton Beach.
20. (a) That a Purchase Order be issued to Burlington Paving Company Ltd., Burlington, Ontario, in the amount of \$60,643.32, including all taxes and a contingency of \$7,000., for the rehabilitation of the tennis courts at King's Forest Park, being the lowest of three acceptable tenders received in accordance with specifications issued by the Purchasing Division and Vendor's Tender, and be financed through the account for King's Forest Courts Rehabilitation, Account No. CF5200 709441036; and,

- (b) That approval be given to the actions taken by the Chief Administrative Officer in authorizing the initiation of the rehabilitation work recognizing that this work was to be completed as soon as possible, and therefore the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".
- 21.
- (a) That an Option to Purchase, duly executed by Margaret Hutchinson on 1994 July 13, and scheduled to close on or before 1994 October 31, for the property known as Lot 215, Plan 505 in the geographic Township of Barton, now in the City of Hamilton, having a frontage of 7.62 metres (25 feet) more or less, along the easterly limit of Holly Avenue and a depth of 30.48 metres (100 feet) more or less, containing an area of 232.25 square metres (2,500 square feet) more or less, including all structures and municipally known as 52 Holly Avenue, Hamilton, be approved and completed and the purchase price of \$77,000. be charged to Account No. CF 5590 628650002 (McAnulty Neighbourhood Park); and,
 - (b) That as consideration in the amount of \$2. has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
 - (c) That upon receiving vacant possession of this property, the Property Department be authorized to proceed immediately to demolish the structures and the costs be charged to Account Centre No. CF 628650002 (McAnulty Neighbourhood Park); and,
 - (d) That the authorized cost of the McAnulty Neighbourhood Park, Account Centre No. CF 628650002 be revised from \$90,000. to \$150,000. to cover acquisition and demolition costs for 52 Holly Avenue required for the McAnulty Neighbourhood Park; and,
 - (e) That the Finance and Administration Committee be requested to recommend the method of financing; and,
 - (f) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

1994 August 30

22. (a) That an Option to Purchase, executed by The Synod of the Diocese of Niagara (Peter Moore, Executive Officer), on 1994 July 28, and scheduled to close on or before 1994 September 30, for the purchase of all of Lot 1 and part of Lots 2 and 3, Registered Plan No. 66, having a frontage along the west side of Bay Street South of 38.710 metres (127.00 feet) more or less, and a flankage along the south side of Hunter Street West of 31.394 metres (102.896 feet) more or less, together with buildings erected thereon bearing municipal number 120(130) Bay Street South, be approved and completed at the purchase price of \$425,000.; and,
- (b) That as consideration in the amount of \$2. has been paid to the owner pursuant to the Agreement, this amount be deducted from the purchase price; and,
- (c) That the Finance and Administration Committee be requested to determine the method of financing; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
23. (a) That an amount of \$4,500. be provided to assist in defraying overall costs associated with the hosting of the 1994 Ontario Museum Association Annual Conference being held in the City of Hamilton, 1994 October 20-23; and,
- (b) That Finance and Administration Committee recommend the method of financing.
24. (a) That the current members' term of the Hamilton Citizens Bikeways Committee be completed by 1994 September 31; and,
- (b) That interested citizens be encourage to apply for a position on the committee by public advertisement; and,
- (c) That the Hamilton Citizens Bikeways Committee Draft Constitution be approved and constitute the terms of reference for the committee to follow.

Note: A copy of the Draft Constitution is available in the Office of the Committee Secretary.

25. That the Policy for the Equipment Loan Program for Community Groups, attached hereto as Appendix "B", be approved.

1994 August 30

26. (a) That the reduced rental rate of \$60. per hour for the combined use of the community room and ice/floor surface at the Mountain Arena, be charged for the weekend of 1994 September 1-5 for the Canadian Lacrosse Championships; and,
- (b) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury and proof of \$5 million Liquor Licence Liability to be submitted in advance naming the City as Co-insured with a cross liability endorsement.

RESPECTFULLY SUBMITTED,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1994 August 23

City Of Hamilton Parking Lot Locations

Parking Lot	Cap Location (veh.)	Surface Type	Condition	Drainage
Barton Community Centre	88 Upper James Street (#1388)	U	U	3 catch basins
Dennebo	9 Highton Street North	U	U	U
Bernie Arbour	135 Lot in south of stadium	Interlocking B	Good	Good
Bernie Arbour	800 East of stadium - enter off Mohawk Rd.	Gravel	Good	Good
BH Foley Parkette	6 Mountain Brow - west of Kennithworth Access	Asphalt	Good surface	1 catch basin - middle of lot
Brian Timmle	46 Balsam & Cannon	Asphalt	Good shape	Two catch basins in centre of lot
Central Memorial	85 West Avenue (#83)	U	U	3 catch basins
Chedoke Twin Pad	U Chedoke Drive (#81)			
Churchill Recreation Cent	U Main Street East (#1715)			
Cliffview Park	24 Upper Paradise and Scenic	Asphalt	Good	Two 24
Coronation	35 Macklin Ave (#81)	Asphalt	Poor (requires repair)	1 catch basin (in centre) (needs more space in lot)
Dr. William Bethune Park	20 Upper James (#1388)	Stone	Good	No drainage
Dundurn Pavilion	27 York Boulevard - just east of Dundurn Street	Asphalt	fair to good	Water goes from parking lot to two catch basins on the road into the parking lot
Eastmount Park	12 East 26th - north of Queensdale	Asphalt	Good	1 catch basin in middle of lot; 1 in middle of driveway
Eastwood	45 Burlington East (#111)	Asphalt	Good	2 catch basins
Eastwood Park	80 Ferguson Avenue - north of Burlington Street	Stone	Needs to be graded once per year	one 24
Gage Park	152 Lawrence Road	Asphalt	Good (8/28/91)	No catch basins
Gage Park Children's Mus	27 Main Street - east of Gage Ave.	Asphalt	Good	No catch basins
Globe Park	180 Brampton Street - East of Woodward	Gravel	Fair	Good
HM Park	26 East 10th Street (#485)	U	U	1 catch basin
Hillcrest Park	17 Heath Street & Eastwood Street	Screening	Levelled when needed	no catch basins
Huntington	77 Brentwood Drive (#87)	U	U	3 catch basins
Inch Park	77 East 18th on Queensdale	Asphalt	Fair to good	3 catch basins down the middle of the big lot; 1 catch basin in the middle of the smaller lot
Key Drage Park	20 Macklin Avenue (bottom of)	Stone	Grade once per year	Water flows to culvert
Lang Park	9 Scenic Drive - just west of Chedoke Crl	Asphalt	Very good	Water runs into catch basins on Scenic Drive
Laurier Recreation Centre	U Albright Avenue (#90)			
Leafield	82 Falkstone Ave (#180)	Asphalt	Good to Fair (some repair required)	8 catch basins
Mahoney Park	20 Barton Street & Adelaide Ave.	Asphalt	Good shape	2 catch basins - 1 in middle of parking lot; 1 south side of parking lot
Miltons	68 Mountain Brow Boulevard	Gravel	Needs to be levelled	No catch basins
Mohawk Sports Complex	80 Between Fields #1 & #4 - off Upper Kennithworth	Gravel	Fair	Good
Mohawk Sports Complex	68 Upper Kennithworth - Ball Diamond #1	Interlocking B	Good	Good
Mohawk Sports Complex	100 Upper Kennithworth - between Field #1 & #2	Interlocking B	Good	Good
Mohawk Sports Complex	180 Upper Kennithworth - Beside Field #3	Gravel	Good	Good
Mohawk Sports Complex	1000 Top of old HW - east side of complex	Gravel & Gravel	Poor - capacity from 800 to 1000	Varied - Good to poor
Montgomery	28 Main Street & Berry Avenue	Asphalt	Needs to be resurfaced	1 catch basin - north-west side of parking lot

Appendix "A" referred
to in Section 18 of the
FOURTEENTH Report of the
Parks and Recreation
Committee for 1994.

City Of Hamilton Parking Lot Locations						
Parking Lot	Cap Location (Pav.)	Surface Type	Condition	Drainage		
Mountain Arena	357 Hester Street (#25)	Asphalt	Good to fair (some areas new)	Good - 11 catch basins		
Mountain Drive Park	2 Mountain Park Avenue (Lot # 5)	Asphalt	Needs resurfacing	No catch basins		
Mountain Drive Park	2 Mountain Park Ave. (Lot #7)	Asphalt	Needs to be resurfaced	No catch basin		
Mountain Drive Park	3 Mountain Park Ave. (Lot #6)	Asphalt	Needs to be resurfaced	1 catch basin - east side of lot		
Mountain Drive Park	6 Mountain Park Ave. (Lot # 9)	Asphalt	Good	No catch basins		
Mountain Drive Park	6 Mountain Park Ave. (Lot #3)	Asphalt	Needs to be resurfaced	No catch basins		
Mountain Drive Park	10 Mountain Park Ave. (Lot #4)	Asphalt	Needs to be resurfaced	No catch basins		
Mountain Drive Park	25 Mountain Park Avenue (Lot #4)	Asphalt	Needs to be resurfaced	No catch basins		
Mountain Drive Park	26 Mountain Park Ave (Lot # 2)	Asphalt	Needs to be resurfaced	1 catch basin in the middle, south side of lot		
Mountain Drive Park	32 Mountain Park Ave. (Lot # 1)	Asphalt	Needs to be resurfaced	1 catch basin in the middle, south side of lot		
Mountain Drive Park	32 Concession Street on Mountain Park Ave.	Gravel	Needs to be resurfaced	1 catch basin south-east of lot		
Norman Pliny Lewis	42 Wentworth Avenue North (#182)	U	U	3 catch basins		
Oak Knoll Park	25 Mountain Brow Boulevard - east side - seed	Gravel	Needs to be levelled	No catch basins		
Olympic Park	15 Mohawk Road (north side - 600' east of Scot	Stone	Grade once per year	Drains out to Mohawk Road		
Olympic Park	150 Scenic Drive, just north of Mohawk	Stone	Grade once per year	Elevated parking lot drains into park.		
Parkdale	65 Main Street East (#1779)	Asphalt	Asphalt good; many broken bumper blocks	1 catch basin		
Rosedale	120 Greenhill (#160)	Asphalt	Good (1 large pothole, low area in north)	3 catch basins		
Rosedale Arena	62 Greenhill - below Rosedale Arena	Stone	Paving lot and access levelled 3 to 4 times	no catch basins		
Rosedale Arena (next to re	38 Greenhill - down behind Rosedale Arena next	Asphalt	Good	1 catch basin draining to the east end of parking lot		
Ryerson	28 Duba Street (#251)	U	U	1 catch basin		
Sackville Hill Park	54 Upper Wentworth - north of Mohawk Road	Asphalt	Good shape	No catch basins		
San Lawrence Park (East)	35 Concession Street (north side of East 12th)	Asphalt	Fair to good	One 24		
San Lawrence Park (West)	25 Concession Street (North side of Highcliffe)	Asphalt	Good	One 24		
San Manson Park	34 Kendry Drive - East of Nash Rd.	Asphalt	Good	1 catch basin - east end middle; 1 catch basin west end middle.		
Scott Park	100 Balam & Cannon	Asphalt	Needs to be resurfaced	2 - 24		
St. Winston Church Hill	25 Main Street East (#1715)	U	U	1 catch basin		
Slater of St. Joseph's Park	30 East side of Nash Rd, North of King	Gravel	Good	No catch basin		
Std Hill	84 Mountain Brow Blvd, south of Mohawk	Gravel	Good	No catch basins		
Turner Park	16 306 Rymal Road East	Asphalt	Good shape - resurface in summer of '98	No catch basins		
Victoria Park	68 Strathcona Street - just north of King Street	Asphalt	Good shape	Water runs onto Strathcona Street (Note: there is another lot by the swimming pool but no parking signs b		
Walker Outdoor Pool	U Upper James Street (#1389)	Gravel				
Warburton Park	5 Cape Street & Harmony Ave.	Asphalt	Good shape	1 Catch basin - middle of lot		
Westmount	28 Mountain Drive (#38)	U	U	1 catch basin		
Woodlands Park	17 Wentworth Street, north of Barton Street	Asphalt	Good shape	Drains out from the north end of the parking lot onto Wentworth Street		

Appendix "B", as amended,
referred to in Section 25
of the FOURTEENTH Report
of the Parks and Recreation
Committee for 1994.

EQUIPMENT LOAN PROGRAM POLICY

- A) That, as of 1995, January 1 all equipment requested under the Equipment Loan Program be required to be submitted in writing at least 30 days prior to any event to the Technical Services Division of the Culture and Recreation Department, thereby facilitating staff and equipment scheduling and providing a written record for the settlement of conflicts due to omissions or communication error, and
- B) That, as equipment is limited, all requests be granted upon a first come, first serve basis provided that there is no conflict with internal department programming; and each Community Council/Committee/Association be limited to two (2) requests per year in order that we may serve the broadest base of subscribers, ensure less organized groups have equal access and allow additional startup groups the opportunity to utilize this service, and
- C) That the Winterfest/Community Council Event requests be required to be submitted no later than January 10th, and the National Night Out/Community Council Program requests be required to be submitted no later than June 10th, to allow for staff and equipment scheduling and provide adequate time to inform potential user groups of conflicts requiring such groups to seek alternative means of acquiring equipment, and
- D) That, no more than two (2) neighbourhood groups be serviced on any given night to accommodate the available equipment consisting of two tents, two commercial barbecues and current staff allocation, and exceptions be made with approval of Parks and Recreation Committee and City Council, and
- E) That, the following fees and refundable security deposit in the amounts of \$9.99 (propane), \$50.00 (Helium), and \$100.00 (Deposit) respectively be charged to the applicant for the supply of equipment, and said security deposit in the case of loss or damage may be withheld in whole or in part at the discretion of the Director of Culture and Recreation, said funds be deposited to Account No. CH56103 70020, (Operating Supplies), and,
- F) That, at the discretion of the Co-ordinator of Technical Services, exceptions to this Policy be accommodated where no other prior commitments are scheduled, the equipment is available, and,
- G) That, the itemized list of equipment attached to this Policy be accepted as the equipment available to be supplied to the applicant groups.

**INVENTORY OF EQUIPMENT
FOR COMMUNITY USE**

- 1 - 20 X 20 Frame Tent
- 1 - 20 x 20 Pole Tent

Barbecues

- 2 commercial
- 2 home/residential

Propane

- 5 propane tanks

Tables

- 40 craft tables (8') (provision for 10 more) for use outdoors
- 34 banquet tables (6') for use indoors

Chairs

- 160

Sound Systems

- 1 at Main/Hess Seniors Centre
- 2 in shop

Staging

- 18 risers (4' x 8')

Helium Tanks

- order what is required
- 4 nozzles

Podiums

- 2

Coffee Urns

- 4

Inventory of Equipment (cont'd)

Benches

- 28

Water Coolers (Jugs)

- 5

Pop Coolers

- 4

Cash Boxes

- 3

Extension Cords

Garbage Cans

- 6

Megaphones

- 2

Ghetto Blaster

- 1

1994 August 30

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWELFTH** Report for 1994 and respectfully recommends:

1. That approval be given to amended Zoning Application 94-10, John Lecluse in trust, prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, to permit the existing parking area to be used in conjunction with the existing automobile dealership (Sterling Honda), for property located at the rear of 925 Main Street West, shown on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That the subject lands be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District; and,
 - (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14. of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 14 (1) of By-law No. 6593, only the existing parking area shall be permitted on the subject lands at the date of the passing of the by-law; and,
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1331, and that the subject lands on Zoning District Map W-33 be notated S-1331; and,

1994 August 30

- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33 for presentation to City Council; and,
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. (a) That approval be given to Zoning Application 94-16, Constantine, Anna, Mark and Victoria Skypas, Andrew and Irene Dabrowski, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of single-family detached dwellings, on lands located at the rear of 144 Limeridge Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (ii) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor, and Zoning District Map E-9B for presentation to City Council; and,
 - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That the amending by-law not be forwarded for passage by City Council until such time as the applicant conveys a 15.0 m wide berm easement in favour of the Region along the northern limit of the subject lands adjacent to the Freeway lands to the satisfaction of the Roads Department.
3. (a) That approval be given to amended Zoning Application 94-08, Canadian National Railway Company, c/o CN Real Estate, owner, requesting changes in zoning from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District, modified for Block "1", and to "DE-2" (Multiple Dwellings) District, modified for Block "2", for lands located at No. 153 Cathcart Street, No. 194 Barton Street East and Nos. 174, 180 and 186 Ferguson Avenue North, shown as Blocks "1" and "2", on the attached map marked as APPENDIX "C", on the following basis:

1994 August 30

- (i) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial-Residential) District; and,
- (ii) That Block "2" be rezoned from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District; and,
- (iii) That the "CR-2" (Commercial-Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593, applicable to Block "1" of the subject property be modified to include the following variances as special requirements:
 - (1) Notwithstanding Section 15B.(8)(b) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 26.0 metres (85.30 feet) in height; and,
 - (2) Notwithstanding Section 15B.(9) and (11) of Zoning By-law No. 6593, a minimum westerly side yard depth of 3.0 m shall be provided and maintained on the subject lands; and,
 - (3) Notwithstanding Section 15B.(9)(a) and 11(a) of Zoning By-law No. 6593, a front yard not less than 5.0 m in depth shall be provided and maintained from the widened limits of Barton Street East for any portion of the building above two (2) storeys in height; and,
 - (4) Notwithstanding Section 15B.(16)(a) of Zoning By-law No. 6593, a building or structure comprised of a joint residential use and commercial use, shall have a gross floor area of not more than the product of area of the lot in the district in which it is situated multiplied by a floor area ratio factor of 2.25; and,
 - (5) Notwithstanding Section 15B.(16)(b) of Zoning By-law No. 6593, the residential portion of a joint residential use and commercial use, shall have a gross floor area of not more than the product of the area of the lot in the district in which it is situated multiplied by the floor area ratio factor of 1.7; and,

- (iv) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to Block "2" of the subject property be modified to include the following variances as special requirements:
 - (1) Notwithstanding Section 10B(1) of By-law No. 6593, townhouse units subject to the "RT-20" District provisions of Section 10E shall be permitted on the subject lands; and,
 - (2) Notwithstanding Section 10B.(2) of Zoning By-law No. 6593, no building or structure shall exceed four (4) storeys or 17.0 metres (55.77 feet) in height; and,
 - (3) Notwithstanding Section 10B.(3)(i)(b) of Zoning By-law No. 6593, a minimum front yard depth of 3.0 m shall be provided and maintained on the subject lands; and,
 - (4) No individual access driveways for townhouses shall be permitted from Ferguson Avenue North; and,
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1330, and that the subject lands on Zoning District Map E-3 be notated S-1330; and,
 - (vi) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map E-3 for presentation to City Council; and; and,
 - (vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That final Site Plan Approval be withheld until the municipality is notified by the Ministry of Environment that the decommissioning process has been satisfactorily completed.

1994 August 30

4. (a) That the existing walkway located between 300 and 304 St. Andrews Drive in the Vincent Neighbourhood, as shown on the attached Appendix "D", be deleted from the approved Vincent Neighbourhood Plan; and,

(b) That the closure be referred to the Transport and Environment Committee for implementation.
5. (a) That approval be given to the Official Plan Amendment No. 128, attached as APPENDIX "E" (distributed to the Members of City Council under separate cover), as follows:
 - (i) to introduce a new Subsection C.9 titled "Safety, Noise and Vibration"; and,
 - (ii) to incorporate minor wording changes to the text of the Official Plan; and,
 - (iii) to incorporate changes to Schedule "A"- Land Use Concept, Schedule "B"- Special Policy Areas, Schedule "C" - Hazard Lands, and, Schedule "D" - Environmentally Sensitive Areas; and,
 - (iv) to delete the existing Schedule "B-3" - Other Special Policy Areas and replace it with a new Schedule "B-3"; and,
(b) That the Planning and Development Department be directed to prepare a by-law of Adoption for submission to City Council.
6. That the Building Commissioner be authorized to issue a demolition permit for 131 Forest Avenue upon the issuance of a building permit.
7. That the Building Commissioner be authorized to issue a demolition permit for 137 Forest Avenue upon the issuance of a building permit.
8. That the Hamilton Firefighters Drum Corps Inc. be exempt from the City policy of having to provide a security deposit for site development in connection with Site Plan Control application DA-94-08, the development of a practice facility on City land leased to the Corps at 175 Dartnall Road, Hamilton.

1994 August 30

9. That the City of Hamilton accept the sum of \$8,050. as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 6, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Wisemount Estates - Phase 6 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

10. That the City of Hamilton accept the lot grading of Lot 8, Greenhill Gardens - Phase 2, Plan No. 62M-494 and that the subdivider, Cochren Construction Ltd., be relieved of any further obligations under Section VIII of the City Subdivision Agreement for Greenhill Gardens - Phase 2, with respect to the lot grading of Lot 8.
11. (a) That, the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Phase IV, Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton Clean.

First Prize: Dean Bradley, production of "Littering"
Second Prize: Michelle Cottrell, production of "Think"
Third Prize: Irving Chan, production of "Affair"; and,

- (b) That, funds be provided from Phase IV of the Downtown Hamilton Action Plan for the first prize at \$700., second prize at \$500., and third prize at \$300., and a donation to Mohawk College Media Studies Department of \$1,500. for development of the videos and use of equipment.
12. (a) That, Schedule "A" and Schedule "B" of By-law No. 88-11, designating the Barton General Community Improvement Project Area, be amended to reflect the expanded area as shown on Appendix "F" attached, in accordance with The Planning Act, Section 28; and,
- (b) That, the City Solicitor be authorized to prepare the necessary amendments for (a) above; and,
- (c) That, the Public Works Department be authorized to prepare the requisite amendment to the Community Improvement Plan in accordance with The Planning Act, Section 28; and,

1994 August 30

- (d) That, the Public Works Department hold a public meeting to receive citizen input on the amended Barton Street Community Improvement Plan as required under The Planning Act, Section 28.
13. (a) That, a Community Improvement Project Area be designated as per the attached Appendix "G", for the Crown Point East/McAnulty neighbourhoods, in conformity with The Planning Act, Section 28; and,
- (b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,
- (c) That, the Public Works Department be authorized to hold a public meeting to announce the Municipal allocation of \$400,000. for improvements to the Crown Point East/McAnulty neighbourhoods priority-one-parks and, to establish a citizens' group to represent the neighbourhoods.
14. That the attached Appendix "H" outlining B.I.A. projects for implementation under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$54,350.
15. That the Building Commissioner be authorized to issue a demolition permit for:
- (a) 313 Queenston Road
 - (b) 88 Inchbury Street
 - (c) 100 Dartnall Road
 - (d) 110 Dartnall Road
 - (e) 1126 Garth Street
 - (f) 771 West 5th Street
 - (g) 789 West 5th Street
 - (h) 802 West 5th Street
 - (i) 458 Burlington Street East
16. That the Building Department, Loans Division be directed to process a loan under the Community Heritage Trust Fund Loan to Wentworth Condominium Corporation #84, 316 James Street South, in the amount of ten thousand, nine hundred and fifty dollars (\$10,950.) at 3 5/8 percent interest amortized over a ten year period.

17. (a) That approval be given to the request by Mr. Adi Irani, of A. J. Clarke and Associates Limited on behalf of Mr. and Mrs. V. Sgro, owners, to revise the draft plan approval for "Sgro Gardens" subdivision under Regional File 25T-89026 to realign the lots to front onto Eleanor Avenue and Mentino Crescent, subject to the following additional conditions:
- (i) That this approval apply to the plan, prepared by A. J. Clarke, O.L.S., revised on June 21, 1994, to show 13 lots for single detached residential purposes and three 3 blocks (Blocks 15, 16 and 17) for future development, and further red-lined revised to incorporate Parts 2, 3, and 4 of Plan 62R-11697 (Lot 14), into the draft approval as a building lot; and,
 - (ii) That the owner satisfy all engineering and financial requirements of the City of Hamilton and the Region; and,
 - (iii) That Lots 1 to 5 and Block 17 not be developed until municipal storm and sanitary sewers are available on the abutting portion of Eleanor Avenue; and,
 - (iv) That the future street, Mentino Crescent align properly with the existing road allowance to the south, Presidio Drive. The centreline radius shall be established at a minimum of 320 metres; and,
 - (v) That Blocks 15, 16, and 17 be developed only in conjunction with the abutting lands to the north of the revised draft plan; and,
 - (vi) That the dead ends and open sides of the road allowances be terminated in 0.3 metre reserves; and,
- (b) That the Regional Commissioner of Planning and Development be advised of Council's decision.
18. That the Proposed General Text Amendment to Zoning By-law No. 6593 - Front Yard Parking for Single, Two, Three-Family and Converted Dwellings be further modified as follows:
- (a) That Items 3(d)(x), 3(h)(x), and 3(l)(x) be amended by deleting the words "street line" and replacing them with the words "front lot line"; and,

1994 August 30

- (b) That Item 3(f)(ii), 3(j)(ii), and 3(n)(ii) be amended by deleting the words "street line" and replacing them with the words "front lot line"; and,
 - (c) That Items 3(e)(xii), 3(i)(xii) and 3(m)(xii) of the Eleventh Report of the Planning and Development Committee be amended by deleting the subclause in its entirety and replacing it with the following:

"a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6 m."; and,
 - (d) That a new subclause (14g) be added to Section 18A of Zoning By-law No. 6593 as follows:

"Notwithstanding (14a) and (14b), no part of a required parking area in a residential district shall be located in a front yard."; and,
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (f) That the proposed general text amendment is in conformity with the Official Plan for the Hamilton Planning Area.
19. That City Council refer the heritage designation of St. George's Church to the Conservation Review Board.
20. (a) That the Director of Local Planning be directed to file an appeal respecting the Committee of Adjustment's decision to approve Application No. A-94:141, to permit the second floor of the building to be used for general offices, the main floor for a fitness club (commercial school) and the ground floor for a wholesale produce distribution business, for property located at No. 231 Bay Street North, as shown on the attached map marked as APPENDIX "I"; and,
- (b) That appropriate staff (i.e. Legal, Planning) be directed to represent the City at the Ontario Municipal Board respecting Committee of Adjustment Application No. A-94:141.

1994 August 30

21.
 - (a) That a Community Improvement Project Area be designated as per the attached Appendix "J" for the Downtown Hamilton B.I.A. in conformity with The Planning Act, Section 28; and,
 - (b) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,
 - (c) That the Public Works Department be authorized to prepare the requisite Community Improvement Plan in accordance with The Planning Act, Section 28; and,
 - (d) That the Public Works Department hold a public meeting to receive citizen input on The Downtown Hamilton B.I.A. Community Improvement Plan as required under The Planning Act, Section 28.
22.
 - (a) That a Community Improvement Project Area be designated as per the attached Appendix "K" for the International Village B.I.A. in conformity with The Planning Act, Section 28; and,
 - (b) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,
 - (c) That the Public Works Department be authorized to prepare the requisite Community Improvement Plan in accordance with The Planning Act, Section 28; and,
 - (d) That the Public Works Department hold a public meeting to receive citizen input on The International Village B.I.A. Community Improvement Plan as required under The Planning Act, Section 28.
23. That leave be granted to introduce the following Bills:
 - (a) C-43 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 89-313 respecting land located at Municipal No. 1430 Upper Wellington Street
 - (b) C-44 A By-law to Amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 261 and 263 Wellington Street North

1994 August 30

- (c) C-45 A By-law to Amend Zoning By-law No. 6593 as amended by By-law No. 92-281 and By-law No. 93-063 respecting Front Yard Parking for Single, Two, Three Family and Converted Dwellings in Residential Districts
- (d) C-46 A By-law to Adopt Official Plan Amendment No. 128 respecting Housekeeping Amendment

Respectfully Submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello
Secretary**

1994 August 24

Appendix "A" as referred to
in Section 1 of the
TWELFTH Report of the
Planning and Development
Committee for 1994



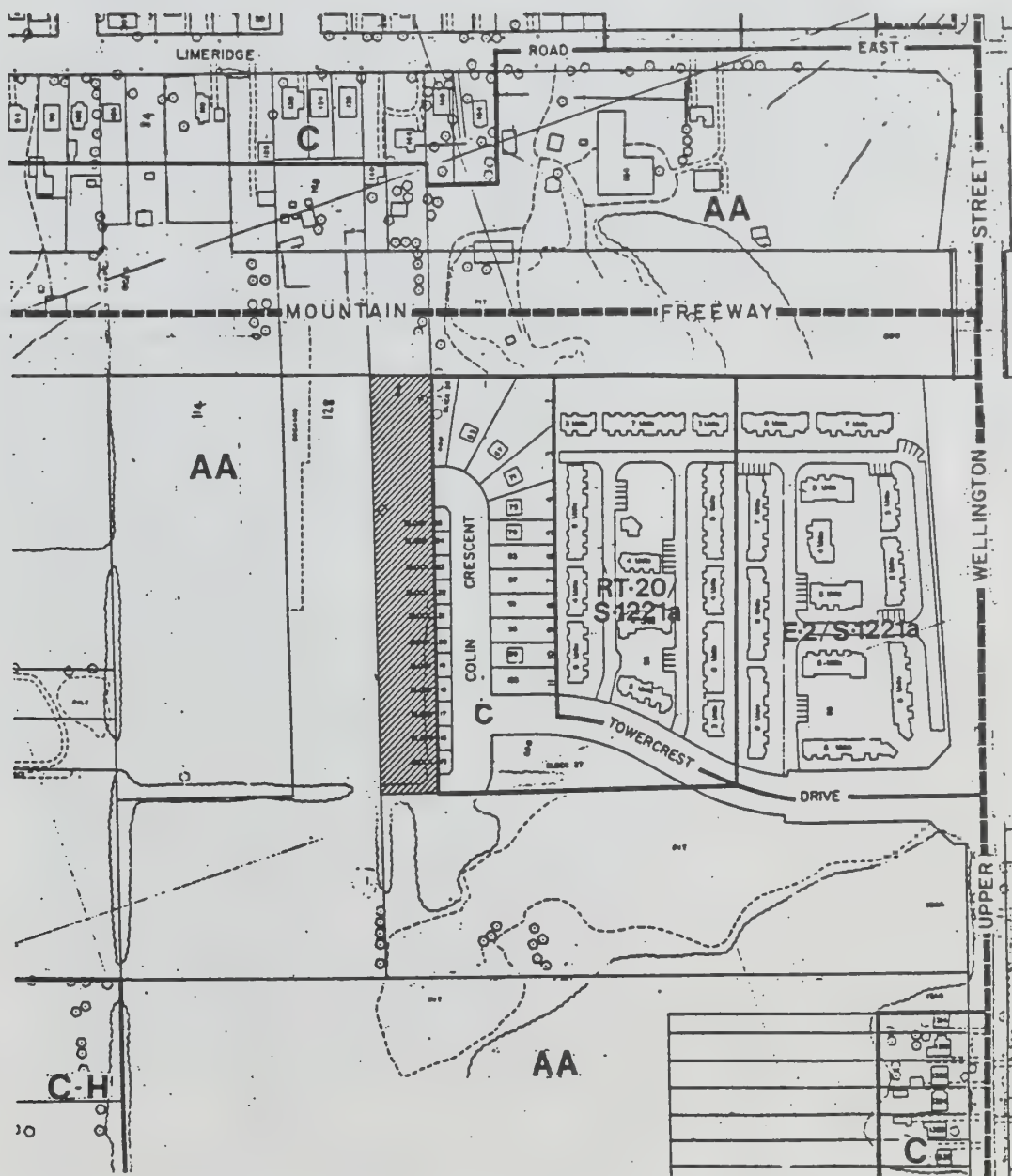
Legend



Site of the Application



Appendix "B" as referred to
in Section 2 of the
TWELFTH Report of the
Planning and Development
Committee for 1994



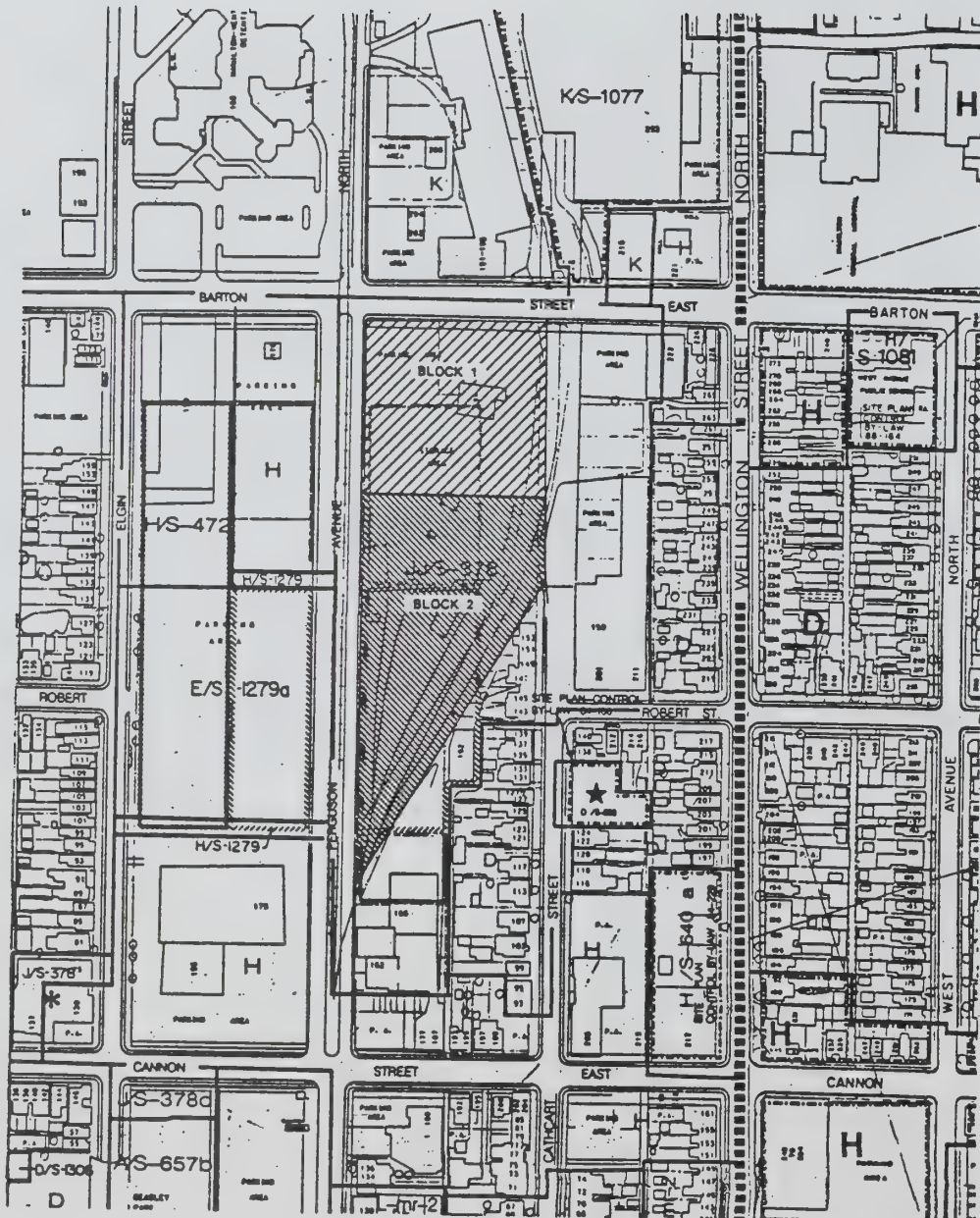
Legend



Site of the Application





Appendix "C" as referred to
in Section 3 of the
TWELFTH Report of the
Planning and Development
Committee for 1994

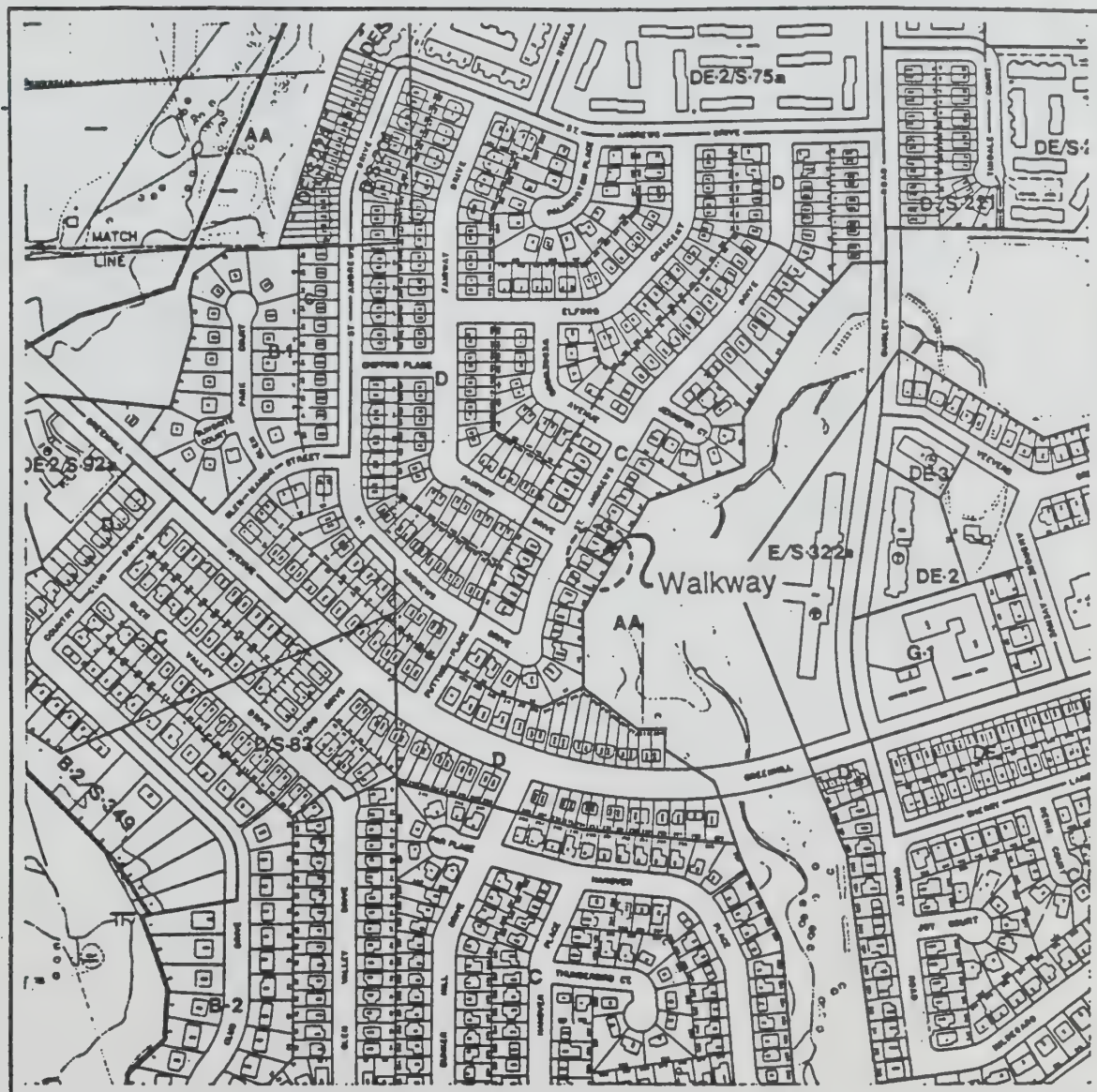


Legend

Proposed Change in zoning from "JJ" (Restricted Light Industrial) District, modified to:

- | | | |
|-----------|---|--|
| Block "1" |  | "CR-2" (Commercial Residential) District, modified |
| Block "2" |  | "DE-2" (Multiple Dwellings) District, modified |


ZAC-94-08



Legend

- Neighborhood Boundary
----- Zoning Boundary.



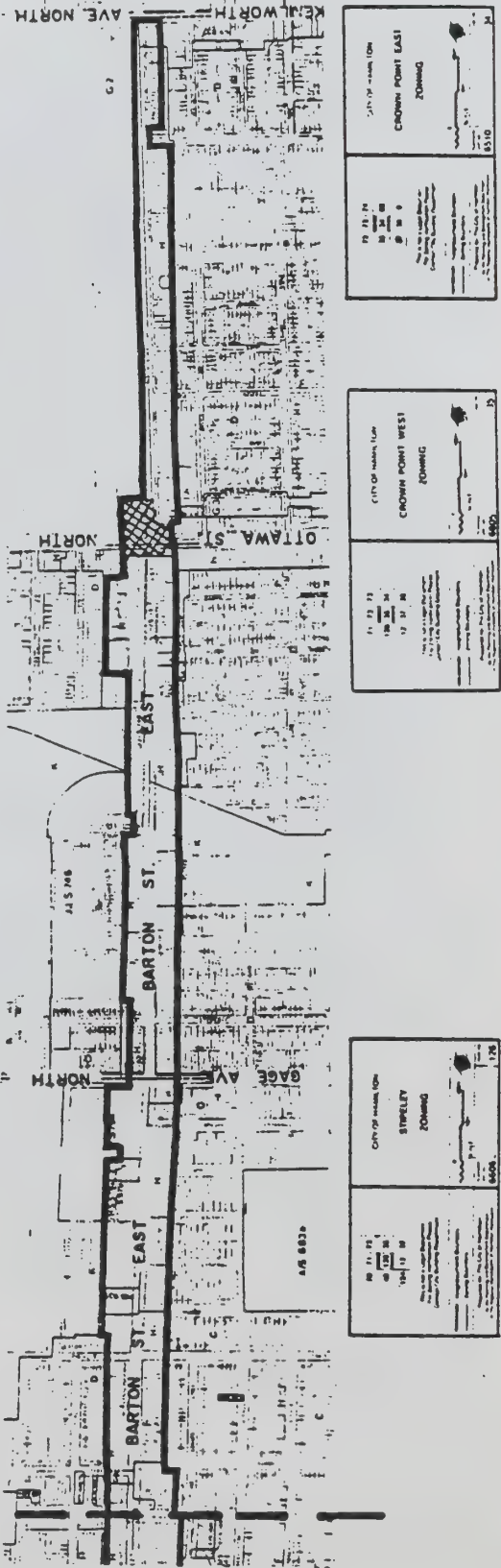
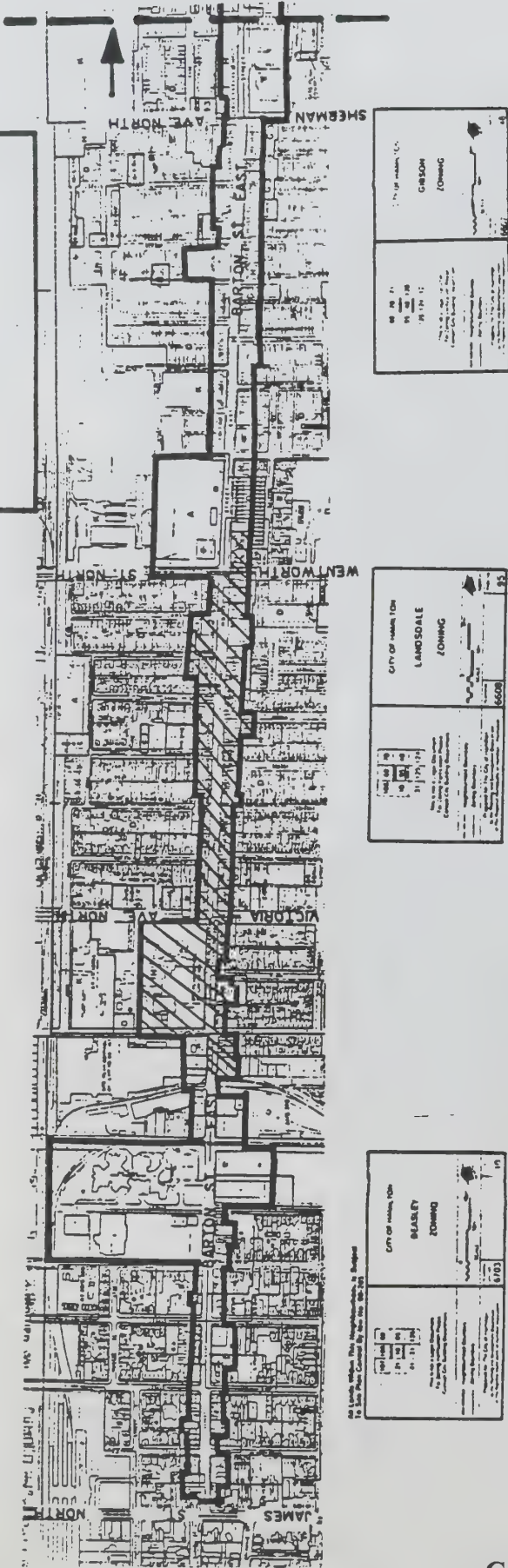
Proposed Walkway Closure



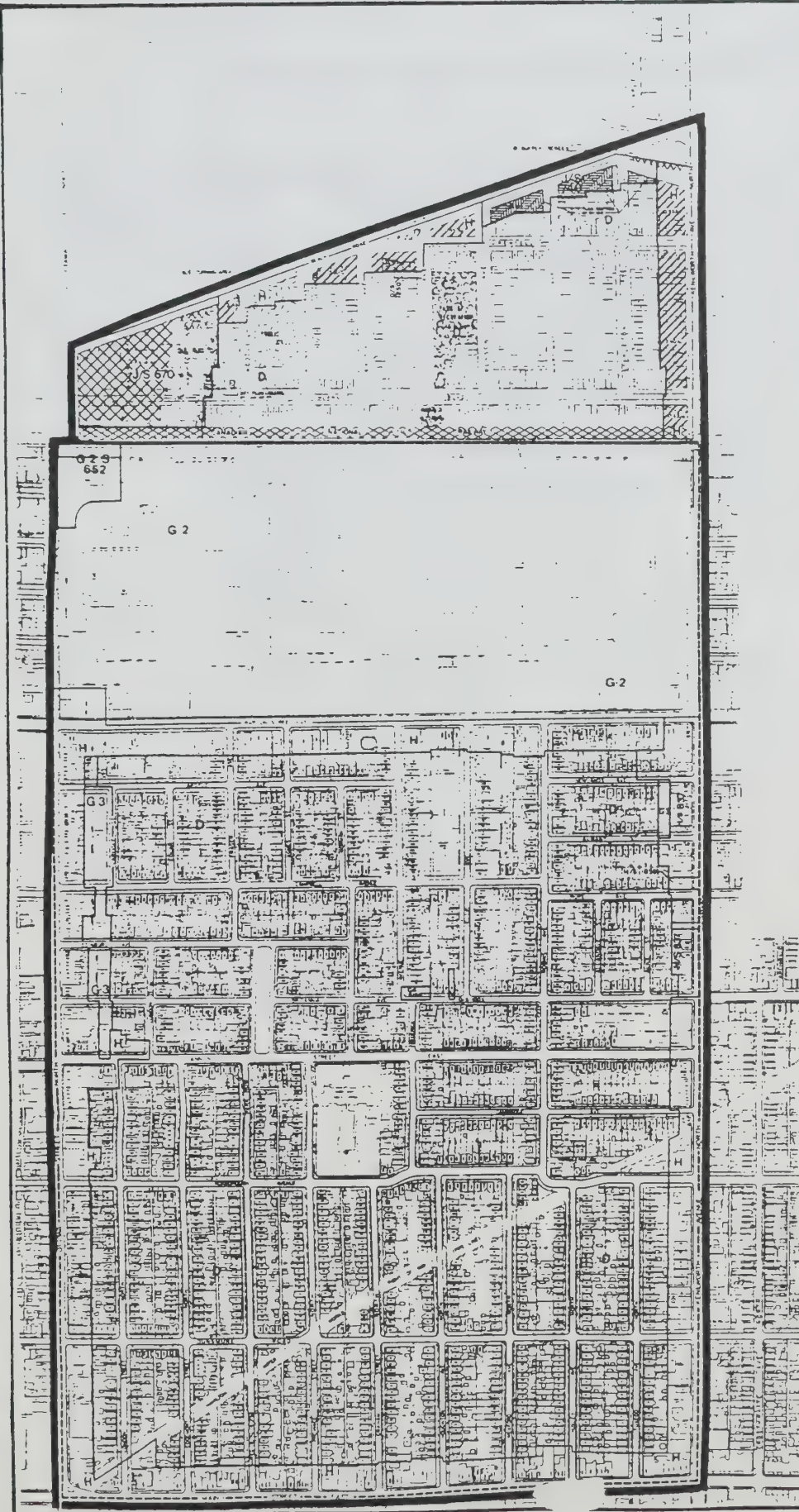
Planning and Development Department
Hamilton-Wentworth Region

Appendix "F" as referred to
in Section 12 of the
TWELFTH Report of the
Planning and Development
Committee for 1994

MATCH LINE



MATCH LINE



<p>CITY OF HAMILTON</p> <p>CROWN POINT EAST</p> <p>ZONING</p>	<p>0 50m 100m</p> <p>SCALE</p> <p>6510</p> <p>6511</p> <p>34</p>									
<table border="1"> <tr> <td>72</td> <td>73</td> <td>74</td> </tr> <tr> <td>35</td> <td>34</td> <td>86</td> </tr> <tr> <td>37</td> <td>38</td> <td>9</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p> <p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wentworth</p>	72	73	74	35	34	86	37	38	9	<p>0 50m 100m</p> <p>SCALE</p> <p>73</p>
72	73	74								
35	34	86								
37	38	9								

Appendix "H" as referred to
in Section 14 of the
TWELFTH Report of the
Planning and Development
Committee for 1994

COMMERCIAL IMPROVEMENT PROGRAM REQUESTS

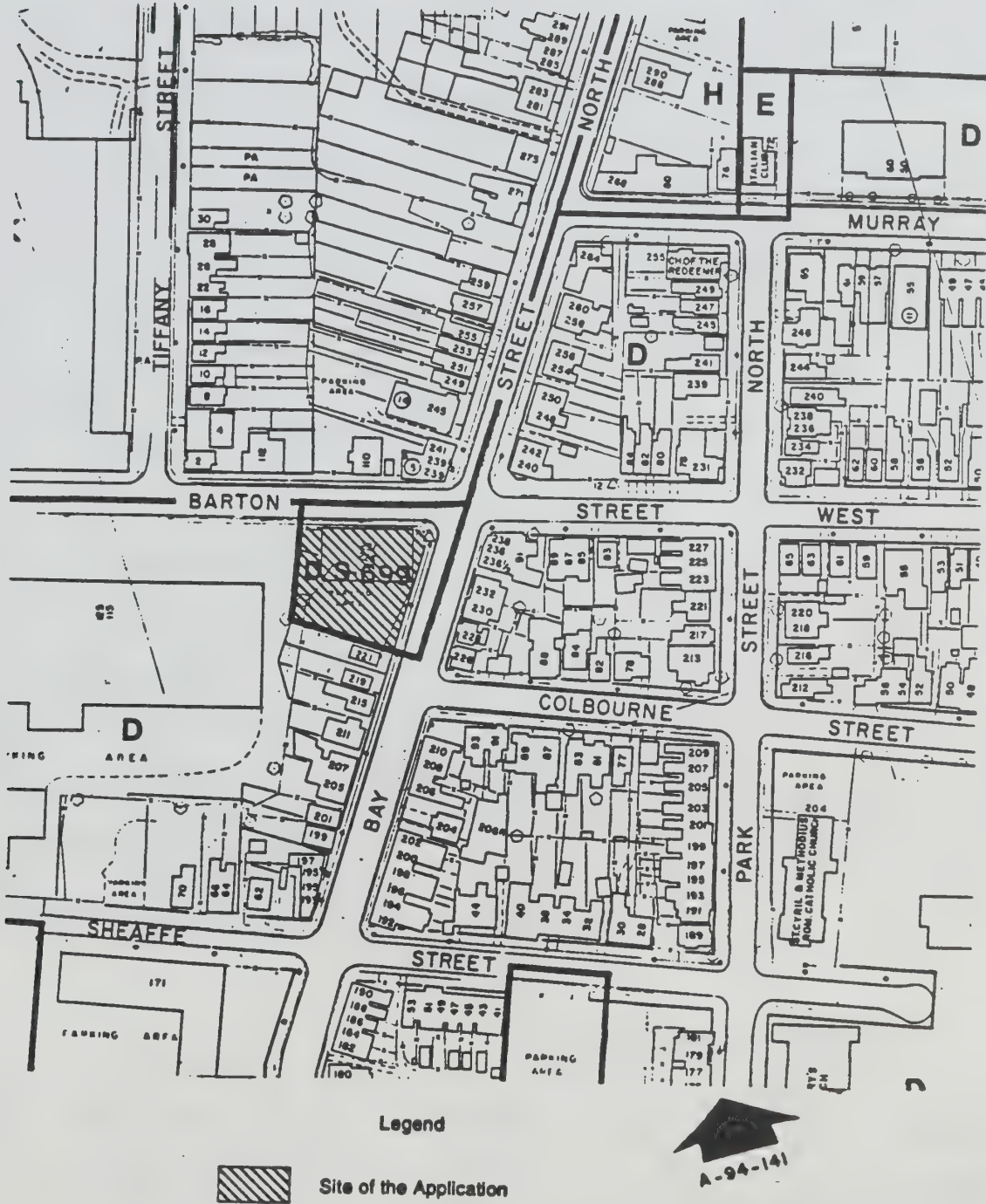
1994

B.I.A.	Proposed Improvements	Estimated Cost
International Village B.I.A.	1) 18 sets banner arms	\$ 1,100.
	Installation	\$ 400.
	Additional supplies (strapping)	\$ 250.
	2) 10 concrete planters @ \$290. ea.	\$ 3,400.
	Initial installation plant material (\$49. per planter)	\$ 490.
	TOTAL	\$ 5,640.
Main Street West Esplanade B.I.A.	1) 2 illuminated directories (locations to be determined) @ \$5,500. ea. + \$1,000. installation	\$12,000.
	TOTAL	\$12,000.
Concession Street B.I.A.	1) Individual business signs (84) 24X18 + taxes	\$14,500.
	Installation \$30. ea.	\$2,900.
	2) 42 Cast-iron half-barrel planters to go around base of existing flower basket poles.	\$15,700.
	Installation	\$ 1,050.
	Plant material & soil installation (\$49. ea.)	\$ 2,060.
	Paving stone removal	\$ 500.
	TOTAL	\$36,710.

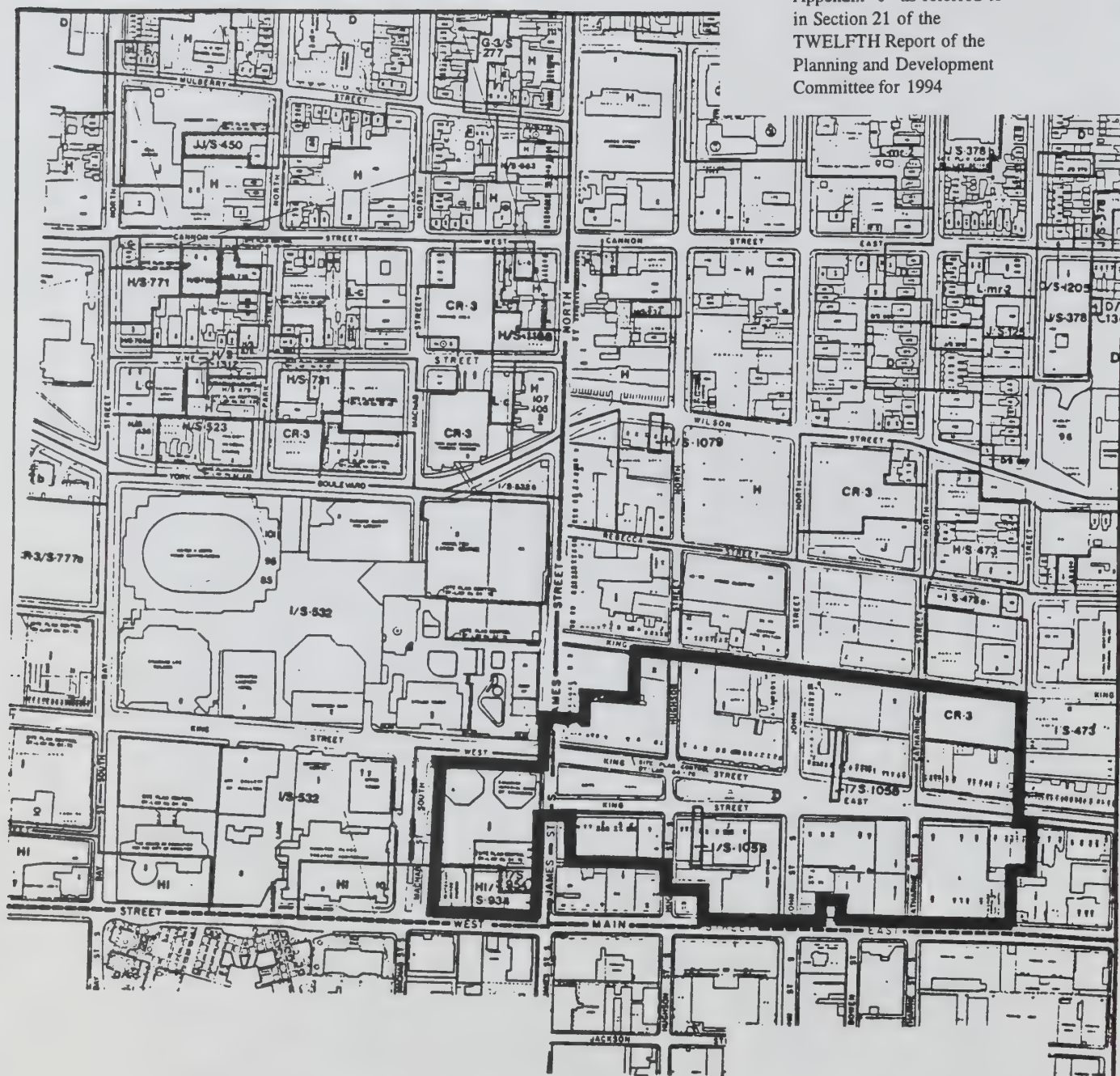
TOTAL ESTIMATED COST OF C.I.P. REQUESTS

\$54,350.

Appendix "I" as referred to
in Section 20 of the
TWELFTH Report of the
Planning and Development
Committee for 1994



Appendix "J" as referred to
in Section 21 of the
TWELFTH Report of the
Planning and Development
Committee for 1994

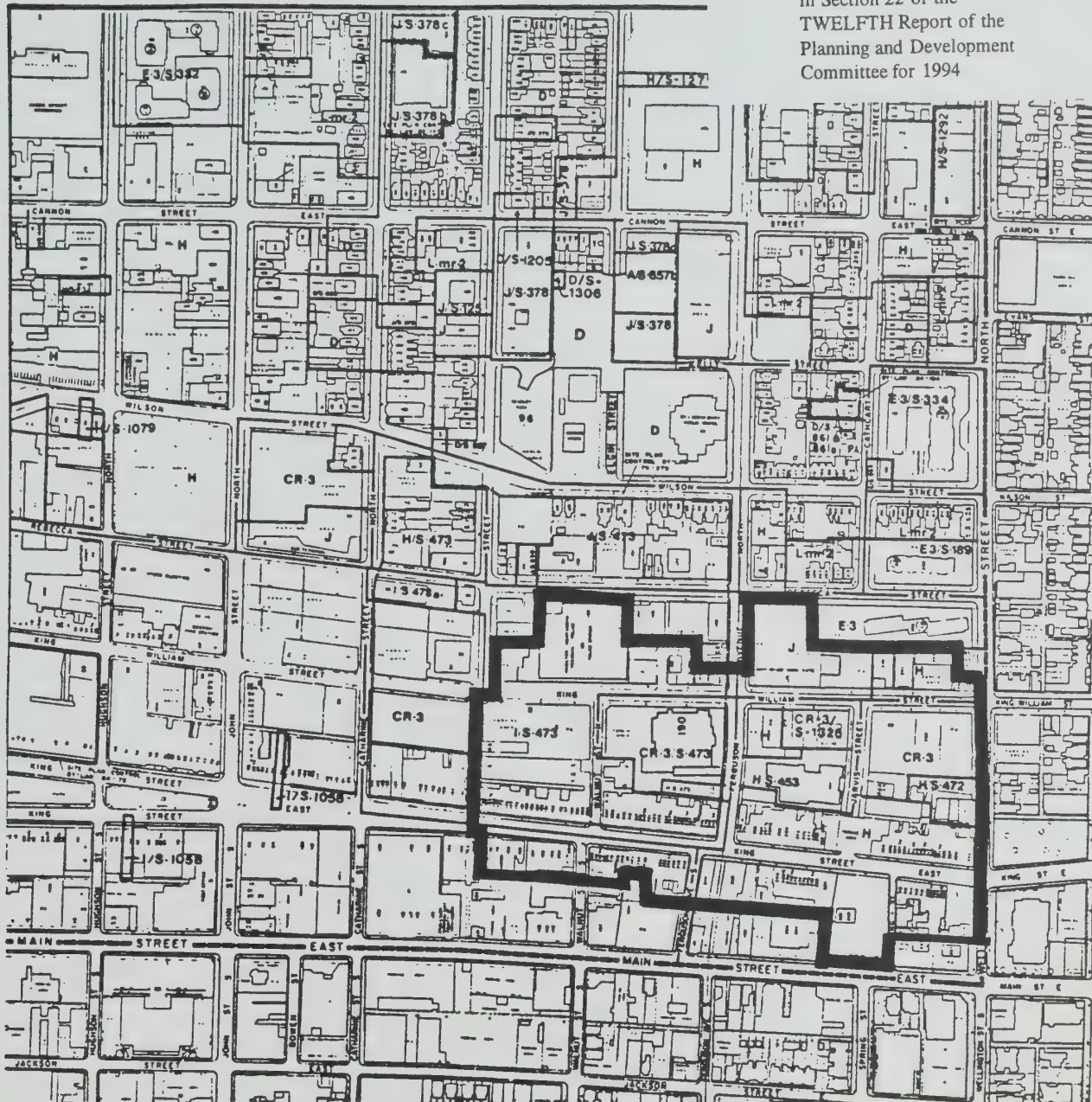


All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<table border="1"> <tr><td>40</td><td>107</td><td>106</td></tr> <tr><td>127</td><td>21</td><td>10</td></tr> <tr><td>82</td><td>41</td><td>31</td></tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p>	40	107	106	127	21	10	82	41	31	<p>CITY OF HAMILTON</p> <p>CENTRAL ZONING</p>	
40	107	106									
127	21	10									
82	41	31									
<p>Neighbourhood Boundary Zoning Boundary.</p>	<p>0 100m SCALE 50m</p> <p>PLANNING UNIT NO. 6704</p>										
<p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth</p>	<p>PAGE NO. 21</p>										

<p>CITY OF HAMILTON</p> <p>BEASLEY ZONING</p>	
<p>0 100m SCALE 50m</p> <p>PLANNING UNIT NO. 6703</p>	
<p>PAGE NO. 10</p>	

Appendix "K" as referred to
in Section 22 of the
TWELFTH Report of the
Planning and Development
Committee for 1994



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-285.

<table border="1"> <tr> <td>107</td> <td>108</td> <td>88</td> </tr> <tr> <td>21</td> <td>10</td> <td>95</td> </tr> <tr> <td>41</td> <td>31</td> <td>125</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p>	107	108	88	21	10	95	41	31	125	<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p>	
107	108	88									
21	10	95									
41	31	125									
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p>	<p>0 100m</p> <p>SCALE 50m</p> <p>NORTH</p>										
<p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton Wainwright</p>	<p>PLANNING UNIT NO. 6703</p>	<p>PAGE NO. 10</p>									

1994 August 30

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **THIRTEENTH** Report for 1994 and respectfully recommends:

1. (a) That Regional Council be requested to jointly purchase with the City, a gold sponsorship package in the "Hamilton Football's 125th Anniversary Commemorative Book" being produced by North American Sports Communications at a total cost of \$5,350. (includes GST); and,

 (b) That the City's cost of this joint sponsorship in the amount of \$2,675. be funded from the Advertising and Promotion Account Number CH56302 12001; and,

 (c) That should the Region decide not to participate as co-sponsors, that the City purchase a silver sponsorship package in the "Hamilton Football's 125th Anniversary Commemorative Book" at a cost of \$2,675. (includes GST) with funding to be derived from the above-noted account.
2. That the recommendation approved by City Council on 1994 June 28, for the Volunteer Centre Fourth Annual Indoor Golf Tournament, 1995 March 3 be amended to 1995 February 24 and to include the use of the second floor lobby on 1995 February 23 for the City Hall staff registration and to play the course.
3. (a) That approval be given to the action taken by the City Clerk in authorizing the Aboriginal Coalition on Taxation for Aboriginal Inherent Rights to use the forecourt and related equipment on Thursday, 1994 August 11 at 10:00 a.m. for a rally; and,

 (b) That the City Clerk be authorized to approve of a similar use in future years, provided it does not interfere with any other activity.

1994 August 30

4. That funds be allocated from the Reserve for Replacement of Mobile Equipment for the replacement of a Fire Department Rescue Vehicle, in the total estimated cost of \$220,000.
5. That as referred to in Section 23 of the Fourteenth Report for 1994 of the Parks and Recreation Committee, the amount of \$4,500. contribution to assist in defraying the costs of the 1994 Ontario Museum Association Annual Conference in Hamilton, 1994 October 20-23 be financed from the Hosting of Conferences with Municipal Subject Content Account CH 55307 80040.
6. That as referred to in Section 23 of the Eleventh Report for 1994 of the Transport and Environment Committee, the City's share of services in Wisemount Estates - Phase 6 for a total of \$31,883. be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".
7. That as referred to in Section 21 of the 14th Report for 1994 of the Parks and Recreation Committee, the increased cost of land acquisition for McAnulty Neighbourhood Park (Account Centre No. CF 628650002) in the amount of \$60,000., being revised from \$90,000. to \$150,000. due to the acquisition and demolition of 52 Holly Avenue, be financed from the Reserve for Park Lands, Account Centre No. CH 00201.
8. That as referred to in Section 17 of the Fourteenth Report for 1994 of the Parks and Recreation Committee, an Engineering/Hydraulic Study at both King's Forest and Chedoke Golf Courses to determine and recommend a strategy for minimizing use of and dependence on the municipal water supply for irrigation and snow making (Chedoke only) purposes, at an estimated cost of \$40,000., be allocated out of the 1994 Capital Contingency Account and financed from the Reserve for Capital Projects, Account Centre No. CH 00203.

1994 August 30

9. That the City Treasurer be directed to close the following Capital Project account with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended To Date	Balance Available	Source(s) of Financing
a) 328641001	Energy Conservation Projects	\$50,000	\$49,951	\$49	RCP
b) 318741101	Budget Items Financed from Reserves	\$130,000	\$129,845	\$155	RCP
TOTAL				\$204	

10. (a) That purchase orders be issued for roof replacements at various locations, being the lowest tenders received, in accordance with specifications issued by Purchasing, and be financed, as follows:

- (i) Norman Pinky Lewis Recreation Centre 192 Wentworth Street North

To Atlantic Roofers Ontario Ltd., Hamilton, in the amount of \$179,546.
(including \$11,746. GST and \$7,200. contingency)

Norman Pinky Lewis-Roof Replacement Account No. CF319441010
Lowest of eight (8) tenders

- (ii) Farmers' Market 55 York Boulevard

To **Trio Roofing Systems Inc.**, Etobicoke, in the amount of \$113,990.31
(including \$7,457.31 GST and \$2,200. contingency)

Farmers' Market-Roof Replacement Account No. CF319441012
Lowest of ten (10) tenders

- (iii) Rosedale Arena 100 Greenhill Avenue

To Whiteside Roofing & Sheet Metal Ltd., Hamilton, in the amount of \$147,880.42 (including \$9,674.42 GST and \$7,600. contingency)

Rosedale Arena-Roof Replacement Account No. CF319441007
Lowest of twelve (12) tenders

1994 August 30

- (iv) Scott Park Arena 876 Cannon Street East

To Whiteside Roofing & Sheet Metal Ltd., Hamilton, in the amount of \$142,460.87 (including \$9,319.87 GST and \$7,900. contingency)
Scott Park Arena-Roof Replacement Account No. CF319441008
Lowest of eleven (11) tenders

- (b) That contracts be entered into satisfactory to the City Solicitor, and
- (c) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".
11. That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1994 August 18, attached herewith and marked Appendix "A", be approved.
12. (a) That the Child Care Task Force, in its present form, be dissolved; and,
- (b) That the Task Force be replaced with a joint union/management Work and Family Advisory Committee.
13. That the Terms of Employment for School Crossing Guards and Spare School Crossing Guards, attached herewith as Appendix "B", be approved.
14. (a) That an Offer to Purchase, duly executed by Primecan Holdings Inc. (A. Weisz, President), on 1994 June 29, and scheduled to close on or before 1994 September 23, for the sale of part of Lot 13, Concession 7, in the former Township of Barton, now in the City of Hamilton, more specifically designated as Parts 1, 2, 3, 4 and 5 on Plan 62R-12639, containing an area of 782.1 square metres (8,418.7 square feet) more or less, being part of municipal address 1306 Upper Wellington Street, Hamilton, be approved and completed, and the funds derived from this sale of \$35,000. be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,

1994 August 30

- (b) That the required deposit cheque is the amount of \$3,500. be held by the City Treasurer pending Council approval; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
- 15.
- (a) That an Offer to Purchase, executed by International Managed Health Care Inc. (Tim Einwechter, Chief Financial Officer) on 1994 July 17 and scheduled for closing on or before 1994 September 27, for the purchase of all of Lots 4 and 5, part of Lot 6, Registered Plan 33, having a frontage along the easterly limit of Victoria Avenue North of 108.5 feet (32.958 metres) more or less, by a depth of 143.98 feet (43.887 metres) more or less, together with buildings erected thereon, bearing municipal number 290 and 296 Victoria Avenue North, be approved and completed and the funds derived from this sale of \$340,000. be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
 - (b) That the required deposit cheque in the amount of \$25,000. be held by the City Treasurer pending Council approval; and,
 - (c) That this Offer to Purchase Agreement be conditional upon the following terms and conditions being satisfied prior to the closing date and no later than 1994 September 13. Failing to do so, this Offer shall be null and void and the Purchaser's deposit shall be returned in full without deduction:
 - (i) The Purchaser being satisfied that the site will allow the construction of a 12,000 square foot building and associated parking; and,
 - (ii) The Purchaser being satisfied that they can demolish the existing buildings; and,
 - (iii) The approval of the Board of Directors of International Managed Health Care Inc. to this purchase; and,
 - (iv) The Purchaser and/or its agent and consultants obtaining a soils test which is satisfactory to the Purchaser, and which shall indicate that the soil is not encumbered with debris or other non-load bearing loose-fill material; that the soil is of such quality that it is economically feasible to excavate foundations for the proposed construction by the Purchaser; that the property is free of environmentally dangerous material and that the

1994 August 30

intended use of the property by the Purchaser and any construction upon the property could proceed without risk of environmental harm or without the requirement of environmental treatment of the site; and,

- (v) The Purchaser obtaining a satisfactory report as to the environmental condition of the property including any environmental matters which might impact upon the subject property either now, or in the future as a result of or due to the environmental condition of adjoining or surrounding lands. The Vendor shall permit the purchaser and its authorized agents and consultants reasonable access to the property for the purposes of making the aforesaid physical inspections and for the purposes of making soils, ground-water, environmental and other tests, measurements or surveys in, on or below the property provided that the Purchaser shall do so at its own expense and at its own risk and shall not interfere with the operation of the Vendor at the property and shall return the property to the state in which it was before the commencement of such action. No action taken by the Purchaser herein shall constitute a trespass or a taking of possession:
- (vi)
 - (1) It is understood and agreed by the Purchaser and Vendor that the Vendor does not warrant the suitability of the land for any development use or any proposed use. The Purchaser shall deliver to the Vendor within 15 days of acceptance of this offer the results of all soil tests that have been performed by the Purchaser and are in the possession of the Purchaser with respect to the soil; and,
 - (2) The Purchaser is hereby permitted to enter the said lands at its own risk and cost in order to conduct such additional tests as may be required, provided however all test sites shall be restored to their former condition; and,
 - (3) The Purchaser acknowledges that one or both of the subject buildings may have some asbestos within the structures; and,
- (vii) The Corporation of the City of Hamilton accepts the above Offer, and subject to the transaction being closed and completed agrees to pay a commission of 5% on the 1st, \$100,000., 4% on the 2nd \$100,000. and 3% on the balance of the sale price of \$340,000. to Re/Max Advantage Realty Inc. realtor, whose agents Gord and Marsha Brandes, acted in this transaction.

1994 August 30

16. (a) That approval be given to replace Council approved 1994 budget reduction package number 10 (PROP 10), which required a reduction in weekly hours for all Property Department Local 772 (International Union of Operating Employees) staff from 40 hours to 37.5 hours effective 1994 August 1, with the following alternative savings package approved by Council on 1994 May 31:
 - (i) Reassignment of the three City Caretakers working at Kings Forest and Chedoke Golf Courses to vacancies produced by promotions and retirements.
 - (ii) Contracting out the caretaking responsibilities at both golf courses.
 - (iii) Reassignment of the Caretaker and Cleaner working at Sir Wilfred Laurier Pool to existing vacancies and contracting out those services previously done by City staff.
- (b) That upon reassignment, each of the above noted five positions be declared redundant.
17. (a) That a purchase order be issued to Paling Industries Ltd., Hamilton, Ontario, in the amount of \$75,191.23 including all applicable taxes, for the replacement of the fire package body including an enclosed crew cab, being the lowest of two proposals received; and,
- (b) That this expenditure be financed through the Reserve for Major Repairs Centre No. 00101.
18. That as referred to in Section 22 of the Fourteenth Report for 1994 of the Parks and Recreation Committee, the acquisition of the St. Mark's Church site at 130 Bay Street South for public use and open space be financed from the Reserve for Park Lands (5% Land Dedication) Account Centre No. CH 00201.
19. (a) That the application by 810202 Ontario Inc. to relocate the New Airport Bingo from 1565 Upper James Street to 1119 Fennell Avenue East, be approved for the following reasons:
 - (i) The application for relocation complies with the requirements as outlined in the Provincial Criteria and Procedures for Bingo Halls.

1994 August 30

- (ii) The Committee was advised that, as of 1994 October 1, the current operator of the Class A Bingo Hall at 1119 Fennell Avenue East will cease operations at this location. Written notification was received by the Committee that a long term leasing agreement had been signed between the owner of the property and the applicant.
 - (iii) The bingo hall at 1565 Upper James Street is to be demolished and the location will no longer be used as a Class A Bingo Hall.
 - (iv) Approval of this relocation application will provide for the continuation of bingo at 1119 Fennell Avenue East, otherwise approximately 35 charities will be searching for a new location to conduct bingo.
 - (v) The charities affected by this application have expressed no concern respecting the change in management of the bingo hall. Their only concern was stability in the market and increased profits for all the charities.
- (b) That, as required in the Provincial Criteria & Procedures for Bingo Halls, the City inform the applicant in writing of its decision and forward the decision to the Registrar, Gaming Control Commission, Ministry of Commerical Relations; and,
 - (c) That, subject to the Province approving this relocation application, the City Clerk provide whatever assistance possible to ensure that the charities currently operating bingos at the affected locations are not disrupted; and,
 - (d) That for the information of the members of City Council, a copy of the application and other documentation is available from the Secretary.
20. (a) That the City resolve lien claims by Varga Brothers Wrecking Limited, Peel Forming Limited, Andreas Mouskos Masonry Limited, Gillies Lumber Inc., Cipolla Services Ltd., Mississauga Mechanical Ltd., Frank Fraccaro, and Steel City Railings, by the payment to the lien claimants of holdback amounts totalling \$10,349.67; and,

1994 August 30

- (b) That all Liens and Certificates of Action registered on the title of the City's lands at 247 Duke Street by Varga Brothers Wrecking Limited, Peel Forming Limited, Andreas Mouskos Masonry Limited, Gillies Lumber Inc., Cipolla Services Ltd., Mississauga Mechanical Ltd., Frank Fraccaro, and Steel City Railings be discharged; and,
 - (c) That all Court Actions commenced against the City by Varga Brothers Wrecking Limited, Peel Forming Limited, Andreas Mouskos Masonry Limited, Gillies Lumber Inc., Cipolla Services Ltd., Mississauga Mechanical Ltd., Frank Fraccaro, and Steel City Railings, to enforce lien claims arising out of the construction of a clubhouse at 247 Duke Street, be dismissed without costs; and,
 - (d) That the holdback amounts be paid from account CF 5200 709141006
21. (a) That the City resolve Ontario Court (General Division) Action No. 38366/92 by the payment to the Plaintiffs, Alpino and Teresa Didiodato, of the sum of \$16,902.59 inclusive of all claims for damages, interest and costs; and,
- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 38366/92 be dismissed without costs.
22. (a) That the City accept the Plaintiffs' Offer to Settle dated 1994 August 17, and resolve Ontario Court (General Division) Action No. 9822/87, by the payment of \$10,000. inclusive of all claims for damages, interest and costs to the Plaintiffs, Muriel Millward and James McKay; and,
- (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 9822/87 be dismissed without costs.
23. (a) That the Chief Administrative Officer and the Commissioner of Human Resources be authorized to post and advertise for the position of Director of Culture and Recreation; and,

1994 August 30

- (b) That a Selection Committee be created, comprised of the Mayor, the Chairperson and Vice-Chairperson of the Finance and Administration Committee, the Chairperson and Vice-Chairperson of the Parks and Recreation Committee, pursuant to the City Policy on Recruitment and Hiring of Department Heads.

24. That leave be granted to introduce the following Bill:

- (a) D-25 A By-Law to Authorize 1994 Debenture Projects and Amounts.

RESPECTFULLY SUBMITTED,

**ALDERMAN T. ANDERSON, ACTING CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1994 August 25**

1994 August 30

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. James Batchelor	I	Truck Driver (D-13)	Public Works	Replacing Mr. F. Howard - promoted, July 25/94	\$35,686.56	Aug. 01/94
Mr. Alexander Berry	I	Lead Hand/Truck Driver (D-17)	Public Works	Replacing Mr. S. Gentile - retired, June 30/94	\$37,146.72	Aug. 01/94
Mr. William Brock	I	Sanitation Worker (D-15G)	Public Works	Replacing Mr. G. Duguay - promoted, July 04/94	\$36,670.40	July 18/94
Mr. Rick Davidson	I	Traffic Checker (8-A)	Traffic	Replacing Mr. D. Smith - terminated, May 25/94	\$29,068.00 to \$31,830.76	May 25/94
Mr. Geoffrey Duguay	I	Roller Operator (D-14)	Public Works	Replacing Mr. S. Fish - retired, June 30/94	\$36,052.64	July 04/94
Mr. Mike Gawrylash	I	Lead Hand/Truck Driver (D-17)	Public works	Replacing Mr. R. Drum - retired, May 31/94	\$37,146.72	July 18/94

Prepared August 18/94

Status

Internal - I

External - E

1994 August 30

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Fred Howard	I	Catch Basin Equipment Operator (D-15)	Public Works	Replacing Mr. Vallenga - reclassified, July 25/94	\$36,416.64	July 25/94
Mr. William McKay	I	Sanitation Worker (2-Man Crew) (D-15G)	Public Works	Replacing Mr. P. Fournier - promoted, June 13/94	\$36,670.40	July 02/94
Mr. Frank Meagher	I	Oil Distributor Operator (D-15)	Public Works	Replacing Mr. P. Faustini - promoted, May 24/94	\$36,416.64	Aug. 18/94
Ms. Susan Peck	E	Auto Parts Clerk (15-F)	Public Works	Replacing Mr. W. Ball - transferred, March 21/94	\$36,385.44 to \$42,005.60	July 11/94
Mr. Shawn Riley	I	Street Sweeper/Flusher Operator (D-14)	Public Works	Replacing Mr. W. McKay - promoted, July 02/94	\$36,502.64	July 25/94
Mr. Paul Sertic	I	Signs & Markings Specialist (11-C)	Traffic	Replacing Mr. A. Amore - promoted, May 11/94	\$28,956.20 to \$31,989.88	Aug. 01/94

Prepared August 18/94

Status	
Internal	I
External	E

1994 August 30

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Peter Vellenga	I	Truck Driver (D-13)	Public Works	Replacing Mr. M. Gawrylash - promoted, July 18/94	\$35,686.56	July 25/94
Mr. William Young	I	Parking Control Prosecution & Co-ordinator (L-2)	Traffic	Replacing Mr. W. Dans - retired, Dec. 31/93	\$43,484.48 to \$51,205.44	Aug. 01/94

Prepared August 18/94

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. John Bevan	Lead Hand	Public Works	Retired (Early)	28 years, 4 months	July 29/94
Mr. Edward Checkley	Signs/Markings Specialist	Traffic	Retired (Early)	38 years, 4 months	Aug. 31/94
Mr. F. Ronald Cole	Systems Analyst	Information Systems	Retired	22 years, 6 months	Aug. 31/94
Mr. Arnold Gaudet	Signs/Markings Specialist	Traffic	Retired (Early)	2 years, 11 months	June 30/94
Mr. Ken Kirkham	Labourer	Public Works	Resigned	9 years, 3 months	July 25/94
Mr. Robert Sugden	Director	Culture & Recreation	Terminated	30 years, 8 months	June 22/94

1994 August 30

Prepared August 18/94

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

1994 August 30

THE CORPORATION OF THE CITY OF HAMILTON

TERMS OF EMPLOYMENT FOR
SCHOOL CROSSING GUARDS AND SPARE SCHOOL CROSSING GUARDS
AS PASSED BY CITY COUNCIL ON 1994

1.0 WAGE RATE AND WORK HOURS

- 1.10 School Crossing Guards at "full" points and Spare School Crossing Guards shall be paid on a DAILY RATE based on a regular working day of 2.75 hours, as set out below:

1994 PROBATIONARY
DAILY RATE: \$26.000

1994 DAILY RATE: \$26.700

- 1.11 School Crossing Guards at "short" points shall be paid on a DAILY RATE based on a regular working day of 1.65 hours (60% of a "full" point working day), as set out below:

1994 PROBATIONARY
DAILY RATE: \$15.600

1994 DAILY RATE: \$16.020

- 1.12 The probationary period and rates shall apply for six (6) months, excluding July and August, commencing from the employee's start date.

- 1.20 An employee who, at the request of his/her Supervisor trains another employee, shall receive an additional \$5.00 per day for those days spent training, which shall be in addition to his/her appropriate Daily Rate.

- 1.30 School Crossing Guards and Spare School Crossing Guards are not normally scheduled to work during July and August except those assigned to work during the "SUMMER CROSSING PROGRAM". See Section 13.0 of these Terms of Employment.

1994 August 30

- 1.40 An employee who is assigned to work more than 2.75 hours per day at a "full" point shall be paid for each day on which additional time is worked as follows:

$$\text{Daily Pay} = \frac{\text{Employee's appropriate Daily Rate} \times \text{Hours/Day}}{2.75}$$

For the purposes of this calculation, hour per day shall equal the total time worked during the four school crossing periods plus the duration of the break between the lunch time school dismissal period and the lunch time school entry period if this duration is 15 minutes or less, expressed in decimal parts of hours.

- 1.41 An employee who is assigned to a "short" point and who is assigned to work more than 1.65 hours per day during the two (2) school crossing periods shall be paid for each day on which additional time is worked as follows:

$$\text{Daily Pay} = \frac{\text{Employee's appropriate Daily Rate} \times \text{Hours/Day}}{1.65}$$

For the purpose of this calculation, hours per day shall equal the total time worked during the two (2) school crossing periods, expressed in decimal parts of hours.

- 1.50 An employee who is assigned to a "short point and who works an additional crossing period at the "short" point or a lunch time crossing period at another point, shall receive the appropriate "full" point Daily Rate for the days on which this occurs.

- 1.60 All Spare School Crossing Guards and School Crossing Guards who work on School Board designated Professional Development Days shall be paid for each Professional Development Day at their appropriate Daily Rate.

- 1.70 Spare School Crossing Guards shall receive pay for days on which they are available to work but do not work. However, notwithstanding the above, Spare School Crossing Guards shall not receive pay for days which they are unavailable for work, unless they are off on illness/injury and are drawing from their sick bank.

- 1.80 The March School Break shall be paid at the employee's appropriate Daily Rate of pay. The exceptions to the foregoing is as follows in Section 1.81

1994 August 30

- 1.81 An employee shall not be paid for the March School Break,
- a) if he/she has been absent without good cause, as determined by the Employer, on the scheduled working day immediately preceding and/or following the March School Break; or,
 - b) if he/she has not been employed by the Employer for at least thirty (30) continuous days; or
 - c) if he/she does not earn wages on twelve (12) days of the four (4) weeks preceding the March School Break.
- 1.90 All School Crossing Guards and Spare School Crossing Guards who attend the annual training session prior to the school year shall be paid for two (2) hours based on the calculations in Sections 1.40 and 1.41.

2.0 STATUTORY HOLIDAYS

- 2.10 Statutory holidays shall be paid at the employee's appropriate Daily Rate in accordance with the Employment Standards Act (Ontario), as follows:

Good Friday	Thanksgiving Day
Easter Monday	Christmas Day
Victoria Day	Boxing Day
Canada Day	New Year's Day

- 2.11 An employee shall not be paid for any Statutory Holiday,
- a) if he/she has been absent without good cause as determined by the Employer, on the scheduled working day immediately preceding and/or following such holiday; or
 - b) if he/she has not been employed by the Employer for at least thirty (30) continuous days; or
 - c) if he/she does not earn wages on twelve (12) days of the four (4) weeks preceding the holiday.

3.0 VACATION

1994 August 30

- 3.10 Vacation time shall not be provided. Payment for vacation shall be made at the rate of percent (as outlined below) of earnings in the preceding calendar year excluding vacation pay, to employees who have years of service (as outlined below) completed during the current vacation year.

<u>Vacation Qualification</u>	<u>Percent of Vacation Pay</u>
less than 1 year	4.0 %
1 year	5.1 %
4 years	7.7 %
9 years	10.3%

- 3.20 Vacation entitlement shall be paid out on the first pay of the year following the vacation year.

4.0 SICK LEAVE

- 4.10 Permanent employees shall accumulate 1.5 days sick leave credits per month up to a maximum of fifteen (15) days sick leave credit per year with the following exceptions;

Employees absent due to illness/injury exceeding a total of eight (8) working days in the month shall receive no credit for that month.

Employees working during the months of July and August shall receive no credits for those months.

- 4.20 A permanent employee who has six months or more employment is eligible to draw from his/her sick bank up to the number of days accumulated.

- 4.30 School Crossing Guards at "full" points and Spare School Crossing Guards are entitled to take up to four (4) school crossing periods off for MEDICAL appointments without loss of pay, in each calendar year.

- 4.31 School Crossing Guards at "short" points are entitled to take up to two (2) school crossing periods off for MEDICAL appointments without loss of pay, in each calendar year.

1994 August 30

- 4.40 Any absence of less than one full day will be recorded to the nearest quarter day.
- 4.41 Any absence of one full day will be recorded as a full day absence.
- 4.42 Deductions from an employee's sick bank will be adjusted to the nearest half day.
- 4.50 Policies and Procedures relating to attendance and claiming of disability benefits as approved by City Council and amended from time to time shall be applicable to all School Crossing Guards. The documentation is included in the Employee Handbook dated April 1992.

5.0 SICK LEAVE GRATUITY

- 5.10 An employee who ceases employment as a School Crossing Guard or a Spare School Crossing Guard and who was employed:
- i) for not less than seven (7) years and not more than twelve (12) years is entitled to a gratuity equal to one half the number of unused days of sick leave standing to his/her credit at his/her appropriate Daily Rate of pay for the year in which employment ceases, provided that in no case shall the amount of the gratuity be more than an amount equal to his/her salary or other remuneration for the immediately preceding sixty-five (65) days excluding the months of July and August;
 - ii) for not less than twelve (12) years is entitled to a gratuity equal to one half the number of unused days of sick leave standing to his/her credit at his/her appropriate Daily Rate of pay for the year in which employment ceases, provided that in no case shall the amount of gratuity be more than an amount equal to his/her salary or other remuneration for the immediately preceding one hundred and thirty (130) days excluding the months of July and August.
- 5.20 An employee whose working day was changed between a "full" point and a "short" point shall have his/her sick leave gratuity calculated partially at the "full" point rate and partially at the "short" point rate, based on the proportion of years the employee was employed at each rate.

1994 August 30

5.30 When an employee ceases to be employed as a School Crossing Guard or as a Spare School Crossing Guard but continues to be employed by the Employer in an uninterrupted fashion,

- i) the number of unused days of sick leave standing to his/her credit earned under this Terms of Employment is not transferable;
- ii) the employee may apply for sick leave gratuity under this Terms of Employment.

5.40 In the event that an employee dies while in the employ of the Employer, his/her estate is entitled to receive payment of the gratuity in accordance with the provisions of the current Terms of Employment.

6.0 LEAVE OF ABSENCE

6.10 All School Crossing Guards and Spare School Crossing Guards requesting a leave of absence must comply with the City of Hamilton Policies and Procedures respecting unpaid leaves of absence. Approval of all leaves of absence will be at the discretion of the Employer and will be based on the operational needs of the Employer.

6.20 Employees shall be allowed up to three (3) consecutive calendar days leave of absence without loss of pay in the event of death in the immediate family. Members of the immediate family shall be defined as; a spouse, common-law-spouse, child, parent, foster or adopted parent, grandparent, grandchild, brother or sister, parent-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law. Such leave to be taken at the time of that bereavement or at the time the employee receives notification of that bereavement. Proof of bereavement may be required by the Commissioner of Human Resources.

6.30 An employee who is required to serve as a juror, or as a witness in any court, shall be paid his/her regular rate of pay for his/her normally scheduled working hours of any day or part of a day that he/she is absent because of such service. Jury duty pay and witness fees less reasonable expenses incurred by the employee as a result of serving as a juror or as a witness, shall be paid to the Treasurer of the Employer on receipt thereof by such employee.

An employee may elect to use a leave of absence without pay, in order to attend to jury or court duty. In such cases, the employee will retain all fees paid to him/her by the court.

7.0 CLOTHING

- 7.10 Uniforms shall be provided by the Employer; except that all guards shall provide their own footwear acceptable to the Employer.
- 7.20 The issued uniform shall be worn as prescribed by the Employer.
- 7.30 The uniform remains the property of the Employer and must be returned upon termination or when requested. Failure by the employee to return the uniform upon termination will result in the Employer deducting the value of the uniform from his/her termination pay.

8.0 CLEANING, FOOTWEAR AND TRAVEL ALLOWANCES

- 8.10 All School Crossing Guards and Spare School Crossing Guards shall receive \$5.00 per full month worked Cleaning Allowance, up to a maximum of \$50.00 per school year; except that \$2.50 shall be deducted from said amount for each month which the employee works less than half of the scheduled working days.
- 8.20 All School Crossing Guards and Spare School Crossing Guards shall receive \$5.00 per full month worked Footwear Allowance, up to a maximum of \$50.00 per year; except that \$2.50 shall be deducted from said amount for each month which the employee works less than half of the scheduled working days.
- 8.30 All Spare School Crossing Guards shall receive \$38.00 per week; (\$7.60 per day) Travel Allowance; except that \$7.60 shall be deducted from said amount for every full day or \$2.50 per crossing period, on which he/she is not available for work.
- 8.40 Any School Crossing Guard who works temporarily at a location other than his/her regularly scheduled location, as requested by his/her Supervisor, shall receive \$2.50 per school crossing period Travel Allowance if he/she is required to use his/her own vehicle.
- 8.50 Any School Crossing Guard who travels an abnormal distance to his/her point (as determined by the Employer), shall receive \$5.00 per day worked, Travel Allowance for a "short" point or \$7.60 per day worked, Travel Allowance for a long point if he/she is required to use their own vehicle.

1994 August 30

- 8.60 Travel Allowance as appropriate shall be paid each pay period.
- 8.70 Travel Allowance shall not be paid to any Guard working during the SUMMER CROSSING PROGRAM.

9.0 MEDICAL TESTING

- 9.10 The Employer reserves the right to require the employee to undergo medical testing to ascertain only the employee's ability to discharge his/her duties. The testing shall not be conducted in a discriminatory manner.
- 9.20 Medical testing when required by the Employer is mandatory and shall be conducted at a place chosen by the Employer and at the Employer's expense.
- 9.30 Failure to submit to medical testing will result in a suspension without pay and/or dismissal.
- 9.40 The Employer, upon receipt of notification that the employee is "medically unfit" to discharge his/her duties, will have the right to suspend the employee without pay until such time as the employee is declared to be medically fit to return to duty as determined by the agencies conducting the medical testing on behalf of the employee and upon approval of the Employer.

10.0 REPORTING RESPONSIBILITY

- 10.10 All School Crossing Guards and Spare School Crossing Guards report directly to the:

School Crossing Supervisors
Community Traffic Services Section
Traffic Department
City of Hamilton

Telephone Number 546-2200

1994 August 30

11.0 PROGRAM CHANGES

- 11.10 School crossing locations and working hours are established by resolutions of the Municipal Councils of Hamilton, Dundas, Ancaster and Flamborough and in accordance with the Policies and Procedures of the Corporation of the City of Hamilton Traffic Department. Therefore, the Employer reserves the right to reduce or increase a point between "full" and "short" hours at any location with a minimum of two (2) weeks written notice to affected employees and to eliminate or add school crossing locations.

12.0 POLICIES AND PROCEDURES

- 12.10 All School Crossing Guards and Spare School Crossing Guards must comply with the City of Hamilton Traffic Department "Policies and Procedures respecting School Crossing Guard Operational Matters". Failure to comply with said policies and procedures will result in disciplinary action up to and including termination.

13.0 SUMMER CROSSING PROGRAM

- 13.10 A School Crossing Guard or Spare School Crossing Guard working during the "SUMMER CROSSING PROGRAM" shall be paid for each working day as follows:

$$\text{Daily Pay} = \text{Employee's appropriate} \\ \frac{\text{"full" point Daily Rate}}{2.75} \times \text{hours per day}$$

- 13.20 An employee working during the "SUMMER CROSSING PROGRAM" shall not earn sick leave credits nor be able to use sick leave credits during his/her employment as a "SUMMER CROSSING GUARD".
- 13.30 Sections 4.30, 4.31, 8.10, 8.20, 8.30, 8.40, and 8.50 of this Terms of Employment are not applicable to "SUMMER CROSSING GUARDS".

1994 August 30

14.0 DEFINITIONS

14.10 The following words are defined as used in this Terms of Employment:

School Crossing Guard - an employee hired by the Employer to fulfil the mandate of the job description of the position of School Crossing Guard. School Crossing Guards are assigned to a specific point or school crossing location.

Spare School Crossing Guard - an employee hired by the Employer to fulfil the mandate of the job description of the position of Spare School Crossing Guard. Spare School Crossing Guards are not assigned to a specific point or school crossing location on a permanent basis but must be available on all school days to "fill in" at various points or school crossing locations when required.

Employee- any individual hired as a School Crossing Guard or Spare School Crossing Guard by the Employer.

Employer - The Corporation of the City of Hamilton.

A "full" point is a location where a guard is assigned to work during the morning entry, lunch dismissal, lunch entry and evening dismissal school crossing periods.

A "short" point is a location where a guard is assigned to work during the morning entry and evening dismissal school crossing periods only.

SUMMER CROSSING PROGRAM - The use of School Crossing Guards to cross children during the non-school months of July and August.

SUMMER CROSSING GUARD - A School Crossing Guard or Spare School Crossing Guard who has volunteered and has been accepted by the Employer to work during the SUMMER CROSSING PROGRAM.

YEAR - Unless otherwise noted shall mean calendar year (Jan to Dec inclusive).

15.0 CHANGES TO THESE TERMS OF EMPLOYMENT

15.10 This document is subject to change by the Employer without notice.

COMMITTEE OF THE WHOLE

The Committee of the Whole Report will be distributed at the City Council Meeting.

1994 August 30

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **FIFTH** Report for 1994 and respectfully recommends:

1. That the Tow Truck Driver Licence application of Colin L. Marcotte, 576 Burlington Street East, Hamilton, be denied.

Confidential background information provided to members of City Council under separate cover.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
CHAIRPERSON
LICENSING COMMITTEE**

Dean Barrow
Acting Secretary

1994 August 23

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1994 AUGUST 30
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO CLOSE A PORTION OF MEAD AVENUE
FOR A ONE YEAR PERIOD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway; **AND WHEREAS** this portion of highway known as Mead Avenue is a local road under the jurisdiction of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 6 of the 9th Report of the Transport and Environment Committee on June 28, 1994, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to close for a one year period a portion of Mead Avenue as hereinafter described for the purpose of erecting thereon a vehicular barrier to prohibit through traffic during the one year period;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said closure has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton: **AND WHEREAS** the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the following described portion of Mead Avenue be closed, stopped up and retained by The Corporation of the City of Hamilton for a period of one year commencing on September 15, 1994 or the date of registration of this bylaw on title to Mead Avenue, whichever is later.

That portion of Mead Avenue, as established by City of Hamilton By-law No. 6752, a parcel of land comprised of the full width of Mead Avenue for a perpendicular distance of six feet (6'). The west limit of the said parcel commences at a point distant seven hundred and fifty-seven feet (757') east of the eastern limit of Parkdale Avenue (Road Allowance between Lots 32 & 33), and being part of Lot 32, Broken Front Concession, geographic township of Saltfleet, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. That the said closure and stopping up be limited to the surface of the said portion of Mead Avenue and not include nor affect the below grade soil and freehold of the said portion of the highway, which shall remain an open highway for use by utilities located below grade.

3. That the Director of Public Works be hereby authorized to close the said portion of Mead Avenue in accordance with the terms of this By-law.

PASSED this day of , 1994.

CITY CLERK

MAYOR

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

Flatt	Northbound and Southbound	Glenside
Westinghouse	Northbound	Myler
Myler	Eastbound	Milton
Lottridge	Northbound and Southbound	Rosemont

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following item, namely:-

"Upper Kenilworth	East	Fern to 69 feet south	Anytime".
-------------------	------	-----------------------	-----------

3. **Schedule 30 (Commercial Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Pescara	North	30 feet	130 feet east of Crerar	7:00 am - 7:00 pm".
----------	-------	---------	-------------------------	---------------------

4. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"Sanders	North	28 feet	36 feet east of West Park	8:00 am - 9:00 pm".
----------	-------	---------	---------------------------	---------------------

PASSED this day of A.D. 1994.

CITY CLERK

MAYOR

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Third	East	Beach to northerly end	Anytime
Oriole	West	Martha to Glengrove	Anytime".

2. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following item, namely:-

"Broadway	West	East".
Main to Sussex		

3. **Schedule 24 (Parking Meter Locations)** is hereby amended by adding to **Section 2(a) (Two Hour Limit)** the following items, namely:-

"Locke	West	Main to Canada
Locke	East	Canada to Jackson".

4. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Alkman	South	commencing at a point 180 feet east of Wentworth to a point 31 feet easterly therefrom	Anytime
Mars	South	commencing at a point 107 feet east of Douglas to a point 19 feet easterly therefrom	Anytime".

5. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following item, namely:-

"Afton	Both	Lorne to Prospect	1 hr	8 am - 6 pm	Mon - Fri".
--------	------	-------------------	------	-------------	-------------

6. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended by:

- a) deleting from the OUTBOUND Column the following items, namely:-

"Queensdale at East 34th
Queensdale at East 36th".

and by adding thereto the following items, namely:-

"Queensdale at East 33rd
Queensdale, 31.5 m west of East 36th (MB)".

b) by deleting from the INBOUND Column the following items, namely:-

"Queensdale at East 36th (FS)
Queensdale at East 34th (MB)
Queensdale at East 15th (MB)".

and by adding thereto the following items, namely:-

"Queensdale at East 36th
Queensdale at East 33rd
Queensdale at East 16th".

PASSED this

day of

A.D. 1994.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO INCORPORATE PARTS 33 AND 34, ON PLAN 62R-11631
INTO ANNAPOLIS WAY

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Annapolis Way by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Annapolis Way.

Part of Lot 9, Concession 8, formerly in the township of Barton, designated as Parts 33 and 34, on Plan 62R-11631.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 89-313

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1430 UPPER WELLINGTON STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-313 on the 31st day of October 1989 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "DE-3" District, in respect of the lands located at Municipal Nos. 197 and 211 Stone Church Road East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(21) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, as amended by By-law No. 89-313, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) clause (a) of Section 2 of By-law No. 89-313 is deleted and replaced with the following:

"(a) notwithstanding the provisions of Section 10C(1) of By-law No. 6593, only the following use shall be permitted:

1. a combined two storey 120 bed nursing home and a three storey 83 unit senior citizens multiple dwelling;"

(b) clause (e) of Section 2 of By-law No. 89-313 is deleted and replaced with the following:

"(e) notwithstanding TABLE 1 referred to in Section 18A of By-law No. 6593, not less than 78 parking spaces shall be provided and maintained for the combined nursing home/senior citizens multiple dwelling use referred to in clause (a);".

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" District provisions, subject to the special requirements referred to in section 2 of By-law No. 89-313 and in section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1140a.

4. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 89-313 and in section 1 of this by-law, S-1140a.

5. In all other respects, By-law No. 89-313 is hereby confirmed, unchanged.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

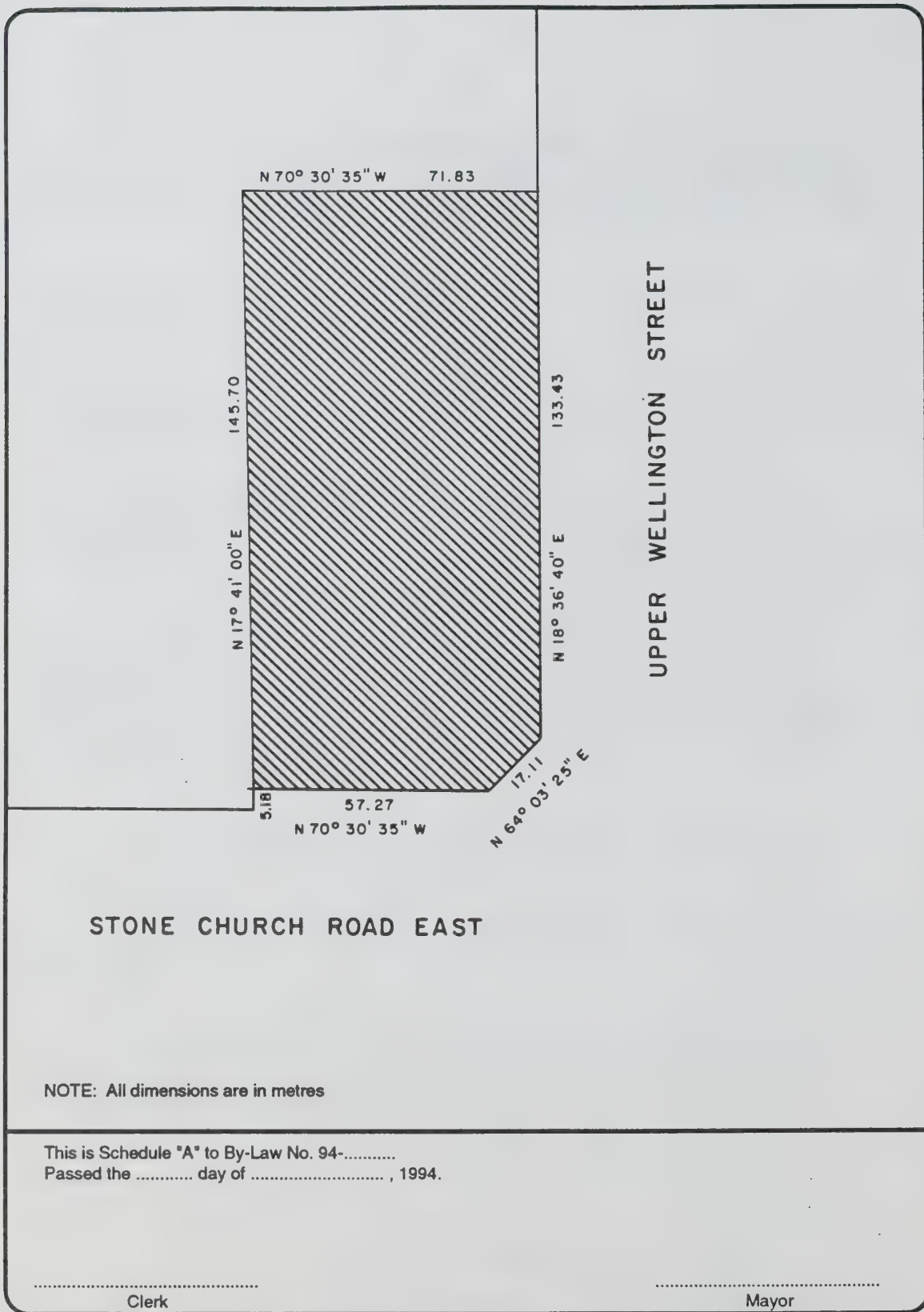
day of

A.D. 1994

CITY CLERK

MAYOR

(1994) 11 R.P.D.C. 2, July 26
Barton Retirement Inc., Lessee
ZAR-94-12




City of Hamilton


Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 Lands to be regulated by
By-Law No. 94-.....

North 	Scale Not to Scale	Reference File No. ZAR-94-12
	Date JULY 1994	Drawn By Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT
MUNICIPAL NOS. 261 AND 263 WELLINGTON STREET NORTH**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the special condition relating to this rezoning, referred to in Section 12 of the 2nd Report of the Planning and Development Committee adopted by City Council on the 28th day of January 1992, has been satisfied.

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-3 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands comprised in Blocks 1 and 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) a parking lot shall be permitted only accessory to the use of land located at No. 222 Barton Street East, subject to the following:
 - 1. a front yard set back of not less than 3.0 m shall be required and shall be provided and maintained as a landscaped strip, except for that area required for a driveway access onto Wellington Street North;

2. a planting strip not less than 1.5 m in width shall be provided and maintained along the southerly lot line;

3. a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the southerly lot line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1259.

5. Sheet No. E-3 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1259.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

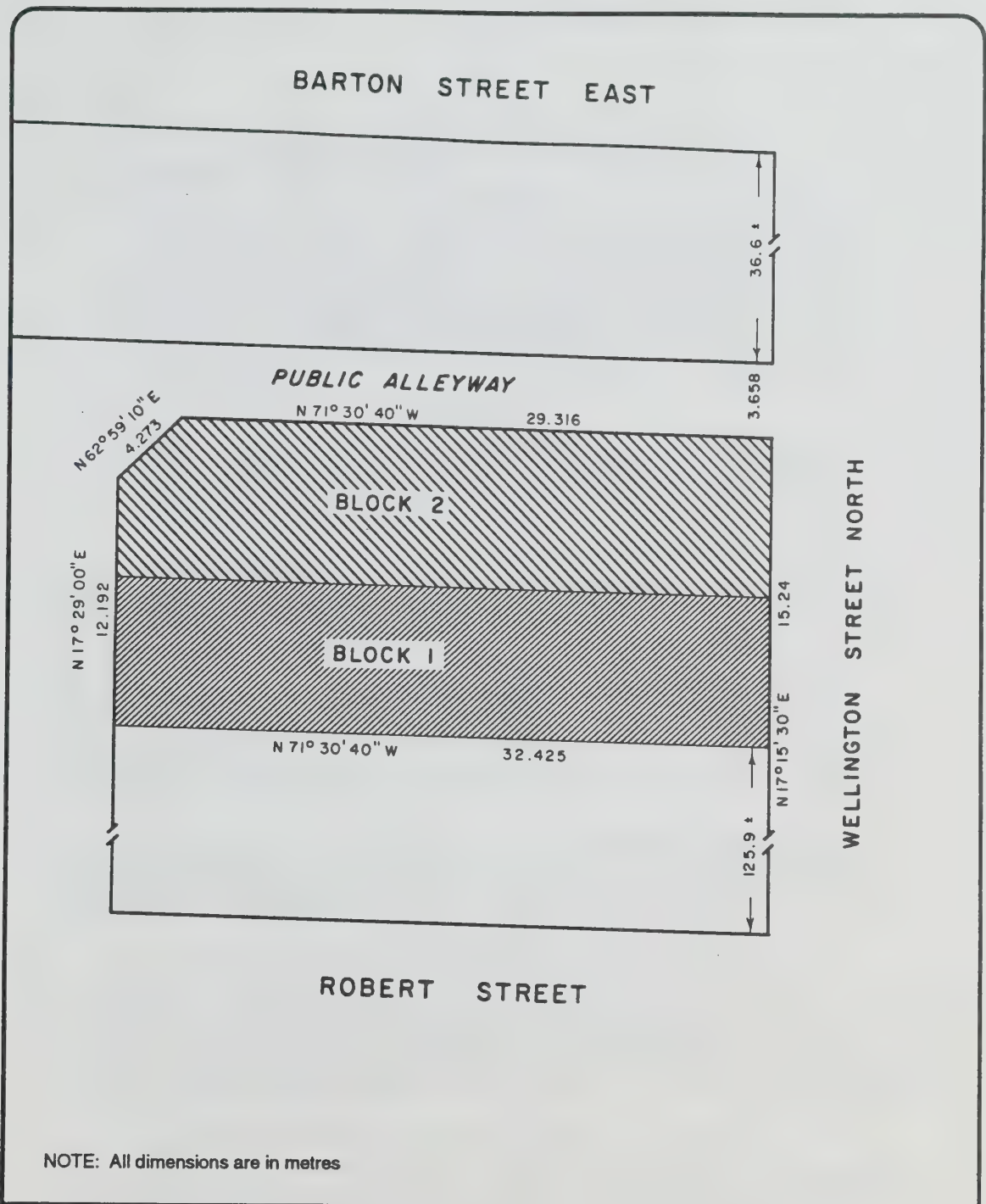
PASSED this day of

A.D. 1994

CITY CLERK

MAYOR

(1992) 2 R.P.D.C. 12, January 28
467052 Ontario Ltd.
(E. Kennish, President), Owner
ZA-91-68



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:

- BLOCK 1** "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified.
- BLOCK 2** Modification to the "H" (Community Shopping and Commercial, etc.) District.

North	Scale Not to Scale	Reference File No. ZA-91-68
3	Date JUNE 1994	Drawn By Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 92-281
and By-law No. 93-063

Respecting:

**FRONT YARD PARKING FOR SINGLE, TWO, THREE FAMILY
AND CONVERTED DWELLINGS IN RESIDENTIAL DISTRICTS**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 92-281 on the 10th day of November 1992 to amend Zoning By-law No. 6593 to provide for a general text amendment to implement the "Housing Intensification Strategy" respecting residential conversion, as adopted by City Council on the 25th day of June 1991;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-063 on the 30th day of March 1993 to further amend Zoning By-law No. 6593, as amended by By-law No. 92-281, to modify the front yard parking requirements for single and two family dwellings in residential districts;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 3 of the 11th Report of the Planning and Development Committee at its meeting held on the 26th day of July 1994, recommended that Zoning By-law No. 6593, as amended by By-law No. 92-281 and By-law No. 93-063, be further amended to modify the front yard parking regulations for single, two, three family and converted dwellings, as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 18A(14a) of Zoning By-law No. 6593 is amended by:
 - (i) deleting the word "and" between the words "single family dwellings" and "two family dwellings" and replacing it with a comma; and,
 - (ii) adding the words "and three family dwellings" between the words "dwellings" and "erected";
 - (iii) replacing the words "parking area" with "parking space"; and,
 - (iv) adding the words "for a single family dwelling, two family dwelling and three family dwelling" between the words "space" and "in";

so the entire clause reads as follows:

"Except for single family dwellings, two family dwellings **and three family dwellings** erected prior to the 14th day of December 1971, no part of a required parking space for a single family dwelling, two family dwelling or three family dwelling in a residential districts shall be located in a required front yard and not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials."

2. Section 18A(14b) of the said by-law is amended by:

- (i) deleting the word "and" between the words "single family dwellings" and "two family dwellings"; and replacing it with a comma; and,
- (ii) adding the words "and three family dwellings" between the words "dwellings" and "erected";

so the clause reads as follows:

"For single family dwellings, two family dwellings and **three family dwellings** erected prior to the 14th day of December..."

3. Section 18A of the said by-law is amended by adding a new clause as (14c) as follows:

"Where a single family dwelling, two family dwelling or three family dwelling in a residential district is located on a corner lot, parking may be permitted in the side yard that abuts the street line provided that:

- i) the area for parking shall not occupy more than 50% of the gross area of the side yard; and,
- ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials."

4. Section 18A of the said by-law is amended by adding a new clause as (14d) as follows:

"For the purposes of clauses (14a) and (14b), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m."

5. Section 18A of the said by-law is amended by adding a new clause (14e) as follows:

"For purposes of clause (14c), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6 m."

6. Section 18A of the said by-law is amended by adding a new clause as (14f) as follows:

"Notwithstanding clauses (14a) and (14b), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- i) a driveway between the front entrance of the garage and the front lot line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
- ii) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials."

7. Section 18A of the said by-law is amended by adding a new clause (14g) as follows:

"Notwithstanding (14a) and (14b), no part of the required parking area in a residential district shall be located in a required front yard."

8. Section 19.(1)(v) of the said by-law is amended by adding a new subclause (4) as follows:

"where a side yard abuts a street line, not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials."

9. Section 19.(1) of the said by-law is amended by adding a new clause (vi) as follows:

"For the purposes of clause 19.(1)(v), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m."

10. Section 19.(1) of the said by-law is amended by adding a new clause (vii) to define the "gross area of the side yard" as follows:

"For purposes of clause 19(1)(v)(4), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6 m."

11. Section 19.(1) of the said by-law is amended by adding a new clause (viii) as follows:

"Notwithstanding clause 19.(1)(v), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- i) a driveway between the front entrance of the garage and the front lot line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
- ii) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials."

12. Section 19.(2)(vi) of the said by-law is amended by adding a new subclause (4) as follows:

"where a side yard abuts a street line, not less than 50% of the gross area of the side yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers or other similar materials."

13. Section 19.(2) of the said by-law is amended by adding a new clause (vii) as follows:

"For the purposes of clause 19.(2)(vi), the gross area of the front yard shall be calculated as the area between the front lot line and the front of the principle dwelling and the area extending from the side lot line to side lot line but subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) front steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms; and,
- (x) a walkway between the front entrance of the principle building and the front lot line or driveway with a maximum width of 0.6 m."

14. Section 19.(2) of the said by-law is amended by adding a new clause (viii) as follows:

"For purposes of clause 19(2)(vi)(4), the gross area of the side yard shall be calculated as the area between the side lot line and a principle dwelling and the area extending from the front yard to the rear yard subtracting:

- (i) unenclosed entrance porches;
- (ii) vestibules;
- (iii) ramps;
- (iv) side steps;
- (v) chimneys;
- (vi) bay windows;
- (vii) ornamental projections;
- (viii) terraces;
- (ix) platforms;
- (x) alcoves;
- (xi) stairwells; and,
- (xii) a walkway located in the side yard between the area extending from the front yard to the rear yard of the principle dwelling with a maximum width of 0.6 m."

15. Section 19.(2) of the said by-law is amended by adding a new clause (ix) as follows:

"Notwithstanding clause 19.(2)(vi), in cases where at least half the front lot line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the front yard shall apply:

- i) a driveway between the front entrance of the garage and the front lot line with maximum width of:
 - 1) 3.0 m for each door of a one, two or three car garage; or,
 - 2) 5.5 m for a double door of a two car garage; and,
- ii) a walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m.

provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials."

16. In all other respects, By-law No. 6593, as amended by By-law No. 92-281 and By-law No. 93-063, is hereby confirmed, unchanged.

17. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1994

CITY CLERK

MAYOR

(1994) 11 R.P.D.C. 3, July 26
City Initiative 91-G

The Corporation of the City of Hamilton

BY-LAW NO. 94 -

To Adopt

Official Plan Amendment No. 128

Respecting:

HOUSEKEEPING AMENDMENT

The Council of the Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 128 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1994

CITY CLERK

MAYOR

(1994) 12 R.P.D.C. 5, August 30
Housekeeping Amendment (OPA-HSK)

Amendment No. 128
to the
City of Hamilton Official Plan

The following text, together with Schedules "A", "B", "B-3", "C" and "D", attached hereto, constitutes Official Plan Amendment No. 128.

Purpose:

The purpose of this Amendment is to incorporate a number of changes to the Official Plan, which have created out-of-date policies and land use designations, and inconsistencies in wording.

Basis:

It is imperative the Official Plan is updated often to ensure it remains relevant to the planning principles of the 1990's. In this regard, housekeeping amendments are processed on a regular basis. This amendment is the fifth housekeeping amendment since 1982.

Actual Changes:

- 1) Subsection A.2.1 - Residential Uses, **Policy A.2.1.3**, be revised by:
 - i) deleting the words "*deemed necessary by Council to*"; and,
 - ii) replacing the word "serve" with "*serving*";

so the entire Policy reads as follows:

"2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and *serving* the needs of local residents will be permitted, including, but not limited to: ..."

- 2) Subsection A.2.1 - Residential Uses, **Policy A.2.1.15**, be revised by:

- i) deleting the words "*Rail Service*";
- ii) adding an "s" to the word "Subsection"; and,
- ii) adding the words "*C.2 and C.9*" after the words "Subsection B.3.5,";

so the entire Policy reads as follows:

"2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights-of-way, Council will have regard for the requirements of Subsections B.3.5, *C.2 and C.9*."

- 3) Subsection A.2.2 - Commercial Uses, **Policy A.2.2.1**, be revised by adding the words '*where one exists*' after the words, "provided that they have been designated in the Neighbourhood Plan"; so the entire policy reads as follows:

"2.2.1 The primary uses permitted in areas exceeding .4 hectare in size as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition, to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, *where one exists:.....*"

- 4) Subsection A.2.3 - Industrial Uses, **Policy A.2.3.38** be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the first paragraph, so the first paragraph of the Policy reads as follows:

"2.3.38 Notwithstanding the foregoing, Industrial Uses are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas.*"

- 5) Subsection A.2.4 - Open Space Uses, **Policy A.2.4.2** be revised by adding the words '*and Schedule B-3 - Other Special Policy Areas*' at the end of the second paragraph, so the second paragraph of the Policy reads as follows:

"2.4.2 Notwithstanding the foregoing, limited commercial uses which are ancillary to and support the primary OPEN SPACE use are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas and Schedule B-3 - Other Special Policy Areas."

- 6) Subsection A.2.6 - Major Institutional Uses, Policy A.2.6.1, be revised by replacing the words "related uses" with "*accessory uses*", so the entire Policy reads as follows:

"2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and *accessory uses*."

- 7) Subsection A.2.6 - Major Institutional Uses, Policy A.2.6.2 be revised by:

- i) deleting the word "*and*" in subclause ii);
- ii) adding the word "*and*" to the end of subclause iii); and,
- ii) adding a new iv);

so the entire Policy reads as follows:

"2.6.2 i)

- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
- iii) Adequate provision has been made for access by the physically disabled and senior citizens; *and*,
- iv) *The proposal satisfies the provisions of Subsections C.2 and C.9."*

- 8) Subsection A.2.6 - Major Institutional Uses, Policy A.2.6.4, be revised by adding the words "*, where applicable,*" at the end of the sentence, so the entire Policy reads as follows:

"2.6.4 Notwithstanding the policies set out above, the development of any new MAJOR INSTITUTIONAL USE on a site of .4 hectares or greater will only be permitted by means of an amendment to this Plan and to the Zoning By-law, *where applicable*.

- 9) Subsection A.2.6 - Major Institutional Uses, **Policy A.2.6.6**, dealing with the Niagara Escarpment Area be renumbered to Policy "A.2.6.8"

- 10) Subsection A.2.7 - Utility Uses, **Policy A.2.7.6** be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "on Schedule "B" - Special Policy Areas" and "only essential," so the entire Policy reads as follows:

"2.7.6 Notwithstanding the foregoing, within the Escarpment Natural Area as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, only essential utility facilities are permitted....."

- 11) Subsection A.2.9.1 - Niagara Escarpment, **Policy A.2.9.1.2**, be revised by adding the words '*and Schedule "B-3"*' between the words "Schedule "B"" and "as SPECIAL POLICY AREA 1" and between the words "Schedule "B"," and "into Special Policy Areas "1a", "1b", and "1c", so the entire Policy reads as follows:

"2.9.1.2 The lands shown on Schedule "B" *and Schedule "B-3"* as SPECIAL POLICY AREA 1 are located within the Niagara Escarpment Plan. To implement the Niagara Escarpment Plan, SPECIAL POLICY AREA 1 is subdivided, as shown on Schedule "B" *and Schedule "B-3"*, into Special Policy Areas "1a", "1b", and "1c".

- 12) Subsection A.2.9.1 - Niagara Escarpment, **Policy A.2.9.1.3**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "as Special Policy Areas "1a", "1b", and "1c", so the entire Policy reads as follows:

"2.9.1.3 The following policies apply to the areas shown on "Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* as Special Policy Areas "1a", "1b", and "1c:";

- 13) Subsection A.2.9.3 - Other Special Policy Areas, **Policy A.2.9.3.15** be deleted and By-law No. 83-153 be repealed.
- 14) Subsection A.3.1 - Hazard Lands, **Policy A.3.1.4**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "are recognized..", so the entire Policy reads as follows:

"3.1.4 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* are recognized as having inherent environmental hazards such as flooding and erosion susceptibility..."
- 15) Subsection A.3.2.10 - Environmentally Sensitive Areas, **Policy A.3.2.10** be renumbered to Policy A.3.2.11.
- 16) Subsection A.3.2.10 - Environmentally Sensitive Areas, **new Policy A.3.2.11** be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas" and "are recognized..", so the entire Policy reads as follows:

"3.2.11 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas* are recognized as being ecologically significant."
- 17) Subsection A.3.3. - Non-Complying Uses, **Policy A.3.3.5**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas," and "which do not conform" and by changing the word 'shall' to 'will' between the words "Plan" and "be", so the entire Policy reads as follows:

"3.3.5. Notwithstanding the foregoing, those uses within the area of the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, which do not conform to the Niagara Escarpment Plan *will* be recognized as existing uses...."

- 18) Subsection A.3.4. - Division of Land, **Policy A.3.4.2.**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' between the words "Schedule "B" - Special Policy Areas," and "must conform", so the entire Policy reads as follows:
- "3.4.2. Any Division of Land within the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas*, must conform to New Lot Policies of the relevant Niagara Escarpment Plan designation contained in Policy A.2.9.1.3 of this Plan, as well as the Development Criteria contained in the Niagara Escarpment Plan."
- 19) Subsection B.3.1 - Road Network, **Policy B.3.1.18**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the second paragraph, so the entire Policy reads as follows:
- "3.1.18 Notwithstanding the foregoing, temporary licensed wayside pits and quarries for the construction and maintenance of public roads are not permitted on lands designated Escarpment Natural Area and escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas.*"
- 20) Subsection B.3.1 - Road Network, **Policy B.3.1.19 v)**, be revised by adding the words "*such as but not limited to alleyways, laybys,*" between the words "a specific site," and "or where..", so the entire Policy reads as follows:
- "3.1.19 v) Notwithstanding the policies of Section B.3.1.19 iii), in certain cases and where deemed necessary Council may require ROAD widenings, in addition to the rights-of-way widths specified in i) above, to provide auxiliary turning lanes, or to provide appropriate access to a specific site, *such as but not limited to alleyways, laybys,* or where cut and fill requirements cannot be achieved within the specified rights-of-way to accommodate the necessary side slopes and/or retaining walls."

- 21) Subsection B.3.1 - Road Network, **Policy B.3.1.19**, be revised by adding a new clause vi), to read as follows:

"3.1.19 vi) *It is the intent of Council to ensure the minimum roadway width is 15 m. In this regard, as a condition of Site Plan approval, the dedication of ROAD widenings will be required to establish a ROAD allowance width a minimum of 15 m, and daylight triangles to accommodate ROAD facilities.*"

- 22) Subsection B.3.1 - Road Network, **Policy B.3.1.21**, be revised by adding the words '*and Schedule "B-3" - Other Special Policy Areas*' at the end of the first sentence, so the entire Policy reads as follows:

"3.1.21. Notwithstanding the foregoing policies of this Subsection, only essential transportation facilities will be permitted within the Escarpment Natural Areas, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas *and Schedule "B-3" - Other Special Policy Areas....*"

Rationale:

See Item 4.

- 23) Subsection B.3.5 - Rail Service, **Policy B.3.5.2**, be deleted and the subsequent policies be renumbered accordingly.

- 24) Subsection B.3.5 - Rail Service, **new Policy B.3.5.2**, be revised by:

- i) deleting the words "Further to Policy B.3.5.2 above,";
- ii) deleting the words "development/redevelopment proposals" and replacing it with "*residential and institutional developments and redevelopments*"; and,
- iii) deleting the last line and replacing it with "*In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9.*";

so the entire Policy reads as follows:

"3.5.2 Council recognizes the concerns of the railway companies with regards to the potential impacts on their property by major residential and institutional developments and redevelopments adjacent to RAILWAY rights of way. *In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9.*"

25) Subsection B.3.7 - Air Service - Hamilton Airport, **Policies B.3.7.2 and B.3.7.3** be deleted.

26) Subsection B.3.7 - Air Service - The Hamilton Airport, **new Policy 3.7.2** be added as follows:

"3.7.2 *The provisions of Subsection C.9 will apply to future residential development that is affected by a Noise Exposure Contour of 28 or greater.*"

27) Subsection C.2 - Safety and Convenience, **Policy C.2.3** be deleted and replaced as follows:

"2.3 *Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:*

- i) *the ramping of sidewalks;*
- ii) *the requirement of appropriate access ramps, elevator or other means to all publically accessible buildings and open spaces;*
- iii) *the reservation of conveniently located and appropriately designed parking spaces for all public and private buildings for the use by the physically disabled;*
- iv) *co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled; and,*
- v) *co-operation with the appropriate government, public or private agencies, organizations, or committees dealing with issues related to disabilities."*

- 28) Subsection C.2 - Safety and Convenience, **new Policy C.2.4** be added as follows:

"C.2.4 *All proposed development adjacent to the railways will ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City, in consultation with the appropriate railway."*

- 29) Subsection C.7 - Residential Environment and Housing Policy, **Policy C.7.3**, be revised by:

- i) in subsection iii), replacing the words "is consistent and complements the established development pattern" with *"recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"*;
- ii) in subsection v), replacing the words "compatible with the established development pattern" with *"that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"*; and,
- iii) in subsection vii), replacing the words "at densities and scales compatible with the established development pattern" with *"that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview"*;

so the revised aspects of the Policy read as follows:

"7.3 Council will encourage a **RESIDENTIAL ENVIRONMENT** of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will: ...

- iii) Support **RESIDENTIAL** development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview*; ...

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;* ...
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, *that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;* ...

30) Subsection C.7 - Residential Environment and Housing Policy be revised by:

- i) deleting Policies C.7.14, C.7.15, C.7.18, C.7.21 and C.7.22;
- ii) by modifying Policies and adding them to a new Subsection as follows:

<u>Existing Policy</u>	<u>New Policy</u>
C.7.11	C.9.4
C.7.12	C.9.8
C.7.13	C.9.7
C.7.16	C.9.11
C.7.17	C.9.6
C.7.20	C.9.12

31) Section C - Amenity and Design Strategy be modified by adding the following new Subsection:

"Subsection C.9 Noise and Vibration

It is the general intent of this Plan to minimize the effect of noise and vibration sources from the airport, inter-regional highways and railways for all City residents. In this regard, the City will co-operate with appropriate agencies to determine acceptable levels of noise and vibration emissions as well as develop design measures to mitigate potential impacts.

- 9.1 In accordance with the Regional Official Plan, Council may, when considering development and/or redevelopment that is subject to noise exposure forecast contours (Federal Department of Transport) in the area around the Hamilton Civic Airport, require the appropriate Federal and Provincial land use guidelines and noise abatement measures.
- 9.2 Further to Policy C.9.1, prior to approving future residential development affected by a noise exposure forecast contour of 28 or greater, Council will require the proponent of such development to undertake any or all of the following:
- i) Submit a detailed noise study prepared by a qualified expert outlining the required noise insulation features in the design of the buildings;
 - ii) Satisfy Council that appropriate noise insulation features have been provided in the construction of building in accordance with Provincial standards; and,
 - iii) Inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities. Such a warning provision will be required to be included as a clause in a development agreement and subdivision agreement.
- 9.3 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new residential and institutional development adjacent to inter-regional highways and railway rights-of-way.
- 9.4 The appropriate railway company will determine the necessity of a noise and/or vibration study for new residential and institutional development that is proposed adjacent to the railway right-of-ways (including rail lines and railway yards). Any noise and/or vibration study that is undertaken will be to the satisfaction of the City and the Ministry of Environment and Energy, in consultation with the appropriate railway. The City will require appropriate measures to mitigate any identified adverse effects from noise.
- 9.5 Any proposed residential and institutional development adjacent to inter-regional highways or a heavy industrial use may be required to undertake a detailed noise study to the satisfaction of the City and the Ministry of the Environment and Energy.

- 9.6 Council will co-operate with and encourage the Ministry of Transportation to achieve the objective of 55 dBA where an inter-regional highway is proposed to be built or expanded through, or adjacent to, a designated residential area.
- 9.7 Council will require the developer of proposed residential development adjacent to the Redhill Creek Expressway to provide evidence the noise levels in outdoor recreation space, after applying appropriate endeavours to meet the objectives of 55 dBA. Residential and institutional development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.
- 9.8 Council will endeavour to minimize impacts on outdoor recreational space of new residential and institutional development from noise in excess of 55 dBA generated by adjacent inter-regional highways or railway lines.
- 9.9 Council will ensure that noise impacts from heavy industrial uses and railway yards on new residential and institutional development satisfy the Ministry of the Environment and Energy's Stationary Noise criteria.
- 9.10 Where noise levels for the Redhill Creek Expressway, rail lines and inter-regional highways are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed residential development, that future tenants, purchasers are advised that, despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be required to be included as a clause in a lease or rental agreement; agreement of purchase and sale; development agreement; and subdivision agreement.
- 9.11 Where noise attenuation measures are required, these measures, for both outdoor and indoor space, may include, but not be limited to, the following:
- i) Sound-proofing measures and construction techniques, general layout and design of the structure or outdoor recreational space with respect to noise sources;

- ii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between source and receivers;
- iii) Building setbacks;
- iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,
- v) The use of suitably designed higher density Residential structures.

9.12 Where new residential and institutional development for which noise control measures will be required precedes the construction of an Inter-Regional Highway or Railway line, Council may require, as a condition of approval, that:

- i) Sufficient lands be conveyed at no cost for the erection of a noise barrier; and,
- ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of a noise barrier, where deemed appropriate by Council."

32) Subsection D.8 - Interpretation, **Policy D.8.6.** dealing with the Niagara Escarpment Area be renumbered to Policy "D.8.7".

33) Subsection D.8- Interpretation, **new Policy D.8.7.** be revised by adding the words '*and Schedule "B-3"*' between the words "Schedule "B" and "as SPECIAL POLICY AREA 1", so the entire Policy reads as follows:

"8.7 The lands shown on Schedule "B" *and Schedule "B-3"* as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") are located within the Niagara Escarpment Plan...."

- 34) The terms 'Minster of the Environment', 'Ministry of the Environment' and 'Ministry of Environment' be changed to "Ministry of Environment and Energy" as contained in the following Policies:
 - i) A.2.9.3.8
 - ii) B.3.1.12
 - iii) C.4.4
 - iv) C.4.5
- 35) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating certain areas, as shown on the attached Schedule "A" of this Amendment.
- 36) Schedule "B" - Special Policy Areas of the Official Plan be revised by redesignating certain areas, as shown on the attached Schedule "B" of this Amendment.
- 37) Schedule "B-3" - Other Special Policy Areas be deleted in its entirety and replaced with a new Schedule "B-3" - Other Special Policy Areas (East Mountain Industrial-Business Park).
- 38) Schedule "C" - Hazard Lands be revised by removing certain lands from the hazard lands designation.
- 39) Schedule "D" - Environmentally Sensitive Areas be revised by removing and adding certain lands form the environmentally sensitive areas.

Implementation:

The provisions of Section "D" - Implementation of the Official Plan will apply to the implementation of this Amendment.

This is Schedule "1" to By-law No. 94- passed on the day of , 1994.

**The Corporation of
the City of Hamilton**

City Clerk

Mayor

schedule A
amendment no.
to the
official plan
for the
city of hamilton

LEGEND

Area to be changed from	
	Residential to Open Space
	Residential to Major Institutional
	Residential to Utilities
	Commercial to Residential
	Major Institutional to Residential
	Open Space to Residential
	Open Space to Major Institutional
	Open Space to Industrial
	Open Space to Utilities
	Utilities to Residential
	Utilities to Commercial
	Utilities to Industrial
	Industrial to Utilities
	Industrial to Commercial

date	drawn by	reference file no.
July 1994	E.C.	OPA - HSK

Cootes Paradise

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT

Lake Ontario

land use concept




legend

	1-2 storeys
	3-4 storeys
	5-6 storeys
	7-8 storeys
	9-10 storeys
	11-12 storeys
	13-14 storeys
	15-16 storeys
	17-18 storeys
	19-20 storeys
	21-22 storeys
	23-24 storeys
	25-26 storeys
	27-28 storeys
	29-30 storeys
	31-32 storeys
	33-34 storeys
	35-36 storeys
	37-38 storeys
	39-40 storeys
	41-42 storeys
	43-44 storeys
	45-46 storeys
	47-48 storeys
	49-50 storeys
	51-52 storeys
	53-54 storeys
	55-56 storeys
	57-58 storeys
	59-60 storeys
	61-62 storeys
	63-64 storeys
	65-66 storeys
	67-68 storeys
	69-70 storeys
	71-72 storeys
	73-74 storeys
	75-76 storeys
	77-78 storeys
	79-80 storeys
	81-82 storeys
	83-84 storeys
	85-86 storeys
	87-88 storeys
	89-90 storeys
	91-92 storeys
	93-94 storeys
	95-96 storeys
	97-98 storeys
	99-100 storeys

schedule A
to the official plan
for
the city of hamilton
November 25, 1993

schedule B
amendment no.
to the
official plan
for the
city of hamilton

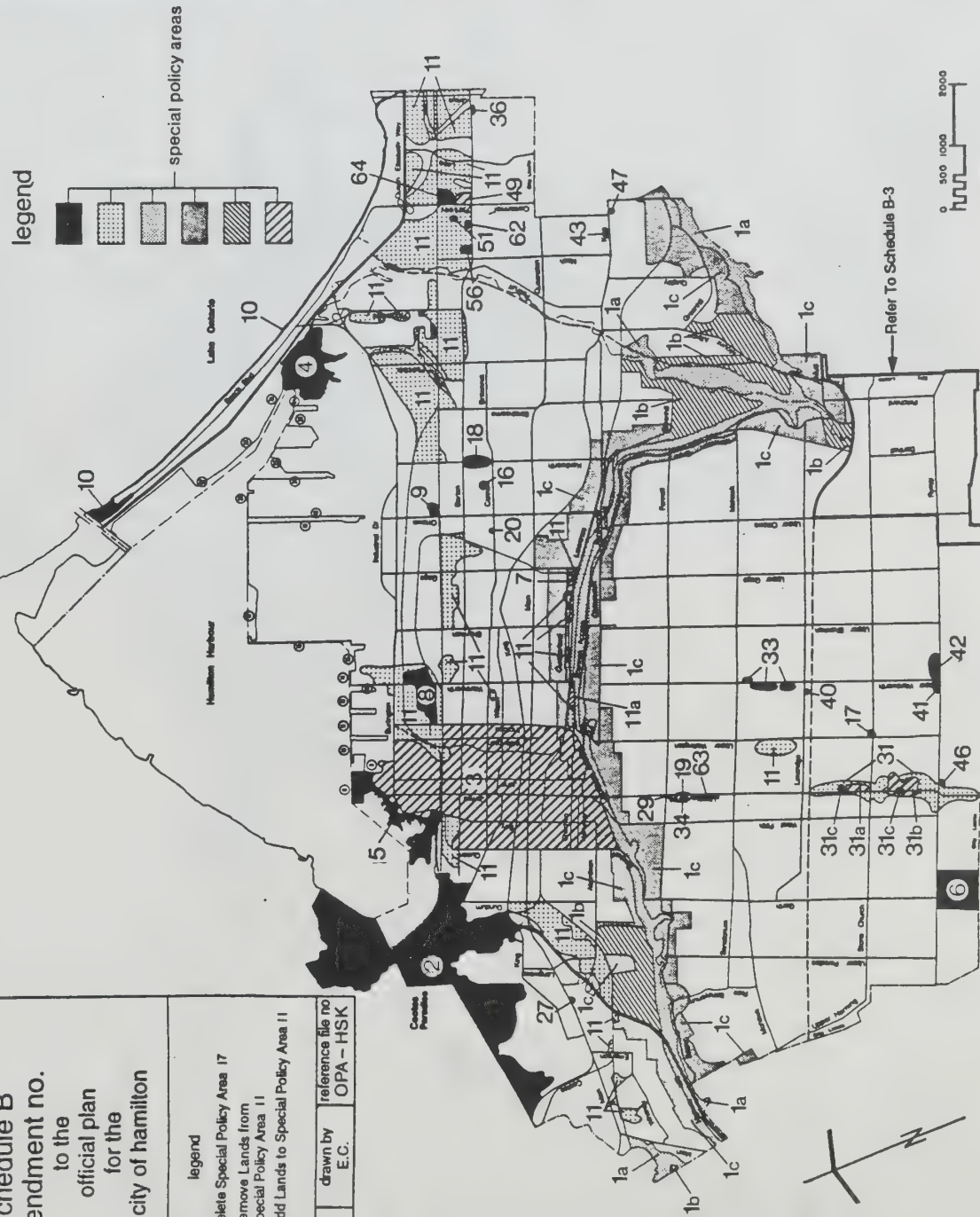
legend

-  Delete Special Policy Area 17
-  Remove Lands from Special Policy Area 11
-  Add Lands to Special Policy Area 11






date
July 1994

drawn by
E.C.

reference file no
OPA - HSK



legend

-  special policy areas
- 
- 
- 
- 

special policy areas

REFER TO
POLICY

AREA

- 1(a) A29.1.
- 1(b) A29.1.
- 1(c) A29.1.
- 2 A29.2.
- 3 A29.3.
- 4 A29.3.1.
- 5 A29.3.2.
- 6 A29.3.3.
- 7 A29.3.4.
- 8 A29.3.5.
- 9 A29.3.6.
- 10 A29.3.7.
- 11 A29.3.8.
- 11(a) A29.3.8.
- 11(b) A29.3.8.
- 11(c) A29.3.8.
- 12 A29.3.9.
- 13 A29.3.10.
- 14 A29.3.11.
- 15 A29.3.12.
- 16 A29.3.13.
- 17 A29.3.14.
- 18 A29.3.15.
- 19 A29.3.16.
- 20 A29.3.17.
- 21 A29.3.18.
- 22 A29.3.19.
- 23 A29.3.20.
- 24 A29.3.21.
- 25 A29.3.22.
- 26 A29.3.23.
- 27 A29.3.24.
- 28 A29.3.25.
- 29 A29.3.26.
- 30 A29.3.27.
- 31 A29.3.28.
- 31(a) A29.3.28.
- 31(b) A29.3.28.
- 31(c) A29.3.28.
- 32 A29.3.29.
- 33 A29.3.30.
- 34 A29.3.31.
- 35 A29.3.32.
- 36 A29.3.33.
- 37 A29.3.34.
- 38 A29.3.35.
- 39 A29.3.36.
- 40 A29.3.37.
- 41 A29.3.38.
- 42 A29.3.39.
- 43 A29.3.40.
- 44 A29.3.41.
- 45 A29.3.42.
- 46 A29.3.43.
- 47 A29.3.44.
- 48 A29.3.45.
- 49 A29.3.46.
- 50 A29.3.47.
- 51 A29.3.48.
- 52 A29.3.49.
- 53 A29.3.50.
- 54 A29.3.51.
- 55 A29.3.52.
- 56 A29.3.53.
- 57 A29.3.54.
- 58 A29.3.55.
- 59 A29.3.56.
- 60 A29.3.57.
- 61 A29.3.58.
- 62 A29.3.59.
- 63 A29.3.60.
- 64 A29.3.61.

Refer to Schedule B-1 for Special Policy Areas
in the Downtown

schedule B

to the official plan
for
the city of Hamilton
93 12 15

other special policy areas

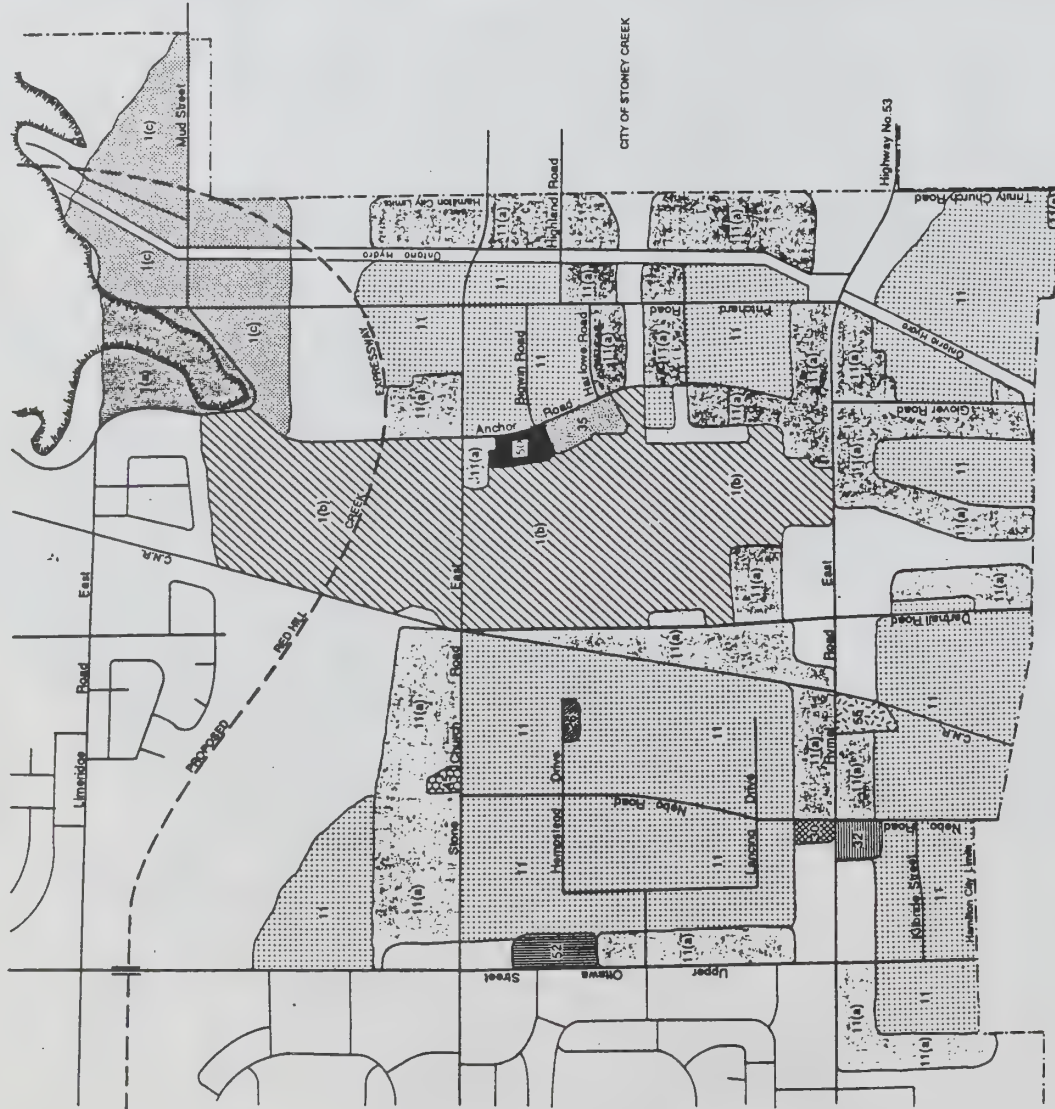
(East Mountain Industrial-Business Park)

AREA	REFER TO POLICY
Area 1(a)	A.2.9.1
Area 1(b)	A.2.9.1
Area 1(c)	A.2.9.1
Area 11	A.2.9.3.9
Area 11(a)	A.2.9.3.9
Area 28	A.2.9.3.21
Area 30	A.2.9.3.25
Area 32	A.2.9.3.27
Area 35	A.2.9.3.30
Area 45	A.2.9.3.40
Area 50	A.2.9.3.45
Area 52	A.2.9.3.47
Area 55	A.2.9.3.50

schedule B-3

to the official plan
for
the city of Hamilton

94.03.21



TOWNSHIP OF GLAMSBROOK

NOT TO SCALE

schedule C
amendment no.
to the
official plan
for the
city of hamilton

legend

Remove from Hazard Lands
Designation

date	drawn by	reference file no.
July, 1994	Z.K.	OPA - HSK

hazard lands

legend

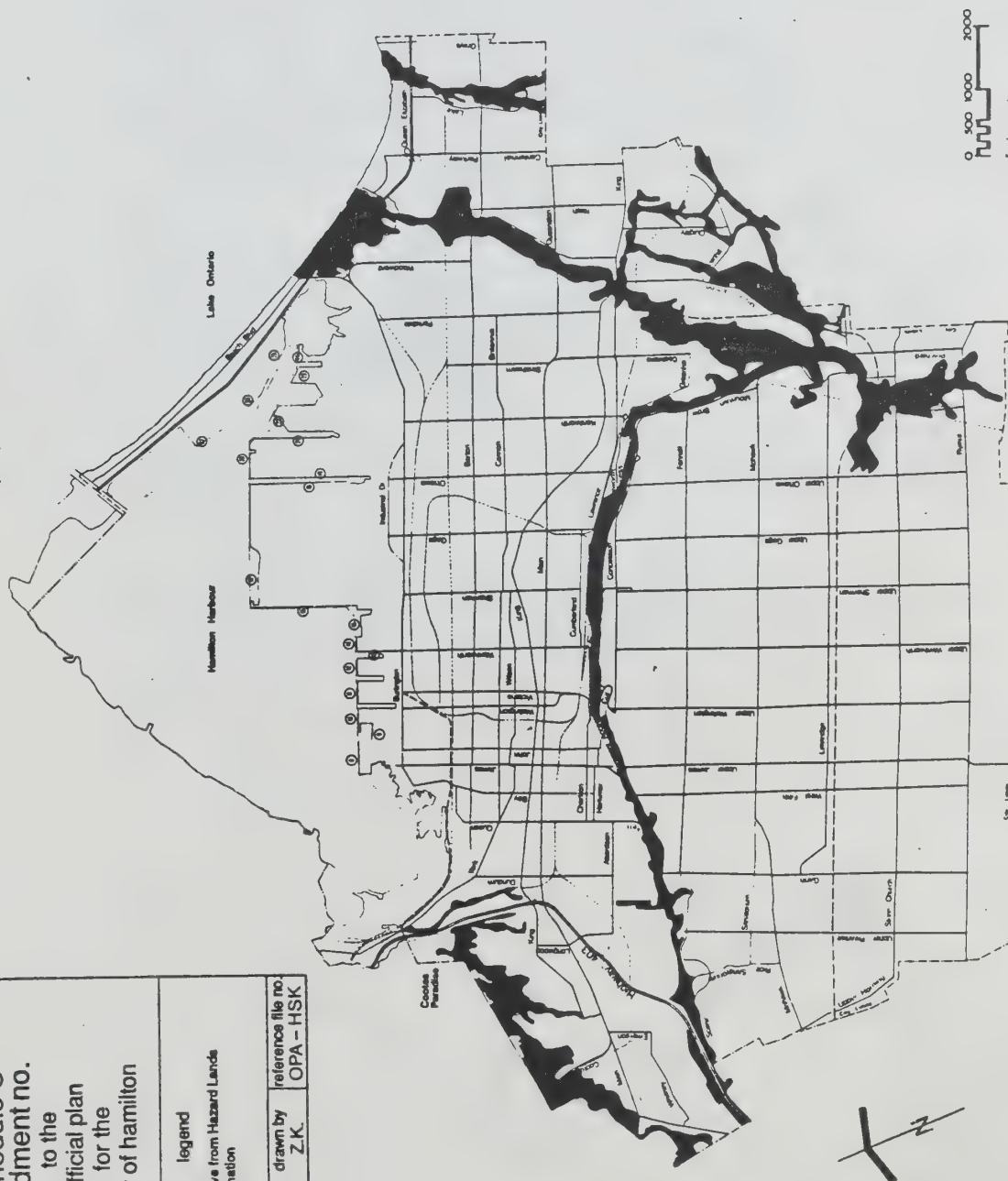
hazard lands

(for more precise delineation of hazard lands, refer to the flood and fill line mapping approved by the appropriate conservation authority)

schedule C

to the official plan
for
the city of hamilton

November 1993



schedule D
amendment no.
to the
official plan
for the
city of hamilton

legend		
Remove Lands from Environmentally Sensitive Area	date	reference file no.
Add Lands to Environmentally Sensitive Area	July 1994	OPA - HSK
	drawn by	
	E.C.	



**environmentally
sensitive areas**

legend

- 1 royal botanical gardens,
coolies paradise
- 2 hamilton mountain
(radial line)
- 3 hamilton niagara
escarpment
- 4 red hill creek,
kings forest
- 5 ancaster creek
headwater
- 6 red hill creek marsh
van wagners marsh
- 7 telkners falls &
niagara escarpment
- 8 toll gate ponds
- 9 dundas valley

REVISIONS

DATE	O.P.A. /SOURCE
83 03 08	Council Direction

schedule D

to the official plan
for
the city of hamilton

November, 1993

BY-LAW NO. 94 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30TH DAY OF
AUGUST, A.D., 1994.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of August A.D. 1994

CITY CLERK

MAYOR

1994 September 23



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1994 September 27
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

SEP 27 1994

**J. J. Schatz
City Clerk**

A G E N D A

GOVERNMENT DOCUMENTS

1. National Anthem

2. Opening Prayer

*Father Jozeph Smal
St. Cyril & Methodius Slovak Roman Catholic Church*

3. Presentations:

- (a) *Retirement Certificate - Robert Linger - 23 years of service - Public Works*
- (b) *Certificate of Recognition - Richard Freedman, Logo contest winner
- Hamilton Sesquicentennial Comm.*

4. Proclamations:

- (a) *"Child Abuse Prevention Month"*
*Howard Wax, District Manager
The Independent Order of
Foresters
Hindi Wax, Chairperson
Mary Hilson, Chief Ranger
Sylvia Veillette, Promoter - Public
Relations*

- (b) "Ontario Home Week"
September 25 - October 1

Tamer Fahmi, First Vice-
President, Metropolitan Hamilton
Real Estate Board

- (c) "Lupus Awareness Month"
Month of October

Rosemary Walton, President
Society of Hamilton
Loretta Downey, Vice-President

- (d) "Teacher Recognition Day"
October 5

Doug Robb, President
Ontario Secondary School
Teachers' Federation
District 8 Office, Hamilton

- (e) "Celiac Awareness Week"
October 2 - 8

5. Minutes from the meeting held 1994 August 30.

6. Petitions and Correspondence

7. Reports of the Standing Committees:

- (a) Transport and Environment Committee
- (b) Parks and Recreation Committee
- (c) Planning and Development Committee
- (d) Finance and Administration Committee
- (e) Committee of the Whole
- (f) City of Hamilton Licensing Committee
- (g) Nominating Committee

8. Notices of Motion for Next Meeting

9. First Reading of the Bills

10. Second Reading of the Bills - Committee of the Whole

11. Third Reading of the Bills

12. Question Period

13. Adjournment.

MINUTES

1994 August 30

Minutes of Hamilton City Council
Tuesday, 1994 August 30
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

Tebey Ottoh sang the National Anthem.

* * * * *

Reverend Brian Weatherdon, MacNab Street Presbyterian Church led Council in prayer.

<p>PRESENTATION</p>

A Certificate of Recognition was presented to Mr. Ben Ayres, Mr. Santo Gallo and Mr. Warwick Jones of Coppley Apparel Group (Cambridge Clothes) for bringing distinction to the City of Hamilton by winning an award at the 1994 International Association of Clothing Designers.

<p>PROCLAMATIONS</p>

Mayor R. M. Morrow proclaimed the following:

- (a) Dystonia Awareness Week - September 18th to 25th, 1994.
- (b) Legion Week - September 18th to 24th, 1994.
- (c) A Century in Motion (The Women's Art Association of Hamilton) - September, 1994

ADOPTION OF MINUTES

The minutes of the meeting held 1994 July 26 were adopted as circulated.

CORRESPONDENCE\PETITIONS

1. Application dated 1994 July 22 from U-Haul Co. of Canada Ltd, Hamilton, Ontario for a modification to the established "M-12" (Prestige Industrial) District regulations, for lands located at No. 1088 Rymal Road East, Hamilton, Ontario

Received.

2. Application dated 1994 August 4 from Shermal Developments Inc. c/o 1 James Street South, Hamilton, Ontario for changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for Block "1", "R-4" (Small Lot Single - Family Dwelling) District for Block "2", and "C" (Urban Protected Residential, etc.) District for Blocks "3", "4", "5", and "6", for lands located in the area south of Rymal Road and west of the proposed extension of Upper Sherman Avenue, Hamilton, Ontario.

Received.

3. Application dated 1994 August 17 from Mike Jovanovic, Hamilton, Ontario for a further modification to the established "HH" (Residential Community Shopping and Commercial) District for property at No. 2826 King Street East, Hamilton, Ontario

Received.

4. Petition respecting Sycamore Trees on East 8th Street, Hamilton, Ontario.

Referred to Transport and Environment Committee.

5. Letter dated 1994 August 26 from J. J. Schatz, City Clerk respecting an objection to By-law Number 94-133 re: property located at the north-west corner of Garth Street and Rymal Road West.

Received.

Alderman Cooke declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Cooke's brother has an interest in this property.

6. Letter dated 1994 August 26 from J. J. Schatz, City Clerk respecting an objection to By-law Number 94-134 re: property located at 44 Greendale Drive.

Received.

7. Memorandum dated 1994 August 29 from Mr. L. Parente of the Princess Bingo and New Airport Bingo respecting their application to relocate their Bingo Hall operation.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole, the Licensing Committee, and the Special Committee to Administer the Hamilton-Scourge Project, be now considered in Committee of the Whole with Alderman Kiss in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

Section 35 Re: Solid Waste Management Strategic Plan.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Agostino, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Cooke, Wilson, Eisenberger. -3. **CARRIED.**

* * * * *

Section 38 Re: Stuart Street from MacNab to Bay Street.

It was moved by Alderman Merling and seconded by Alderman Agro that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting permission to advertise narrowing of Stuart Street between MacNab Street and Bay Street. **CARRIED.**

It was moved by Alderman Merling and seconded by Alderman Agro that the following be added to the **ELEVENTH** Report of the Transport and Environment Committee for 1994 as Section 38:

38. That the proposed narrowing of Stuart Street from MacNab to Bay Streets from 13.0m to between 7.0m to 12.0m, as shown on Schedule "C" attached hereto, be advertised under Section 300 of the Municipal Act being Chapter M.45 of the Revised Statutes of Ontario 1990 and that the necessary alteration By-law be prepared by the City Solicitor and advertised by the City Clerk. **CARRIED.**

* * * * *

Section 39 Re: Wentworth Condominium Corporation No. 79

It was moved by Alderman Merling and seconded by Alderman Ross that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the transfer of a walkway from the Wentworth Condominium Corporation No. 79 to the City of Hamilton. **CARRIED.**

* * * * *

It was moved by Alderman Merling and seconded by Alderman Ross that the following be added as Section 39 of the Eleventh Report of the Transport and Environment Committee for 1994:

39. That subject to the Wentworth Condominium Corporation No. 79 transferring ownership of the walkway which runs east/west between Fonthill Road and Upper Paradise Road to the City of Hamilton for the sum of \$1., City Council approve the following:
- (a) That the Director of Public Works Department be directed to undertake improvements to the existing concrete walkway surface, including an increase in width from 1.5 metres to 3.0 metres, which will bring the walkway to City Standards and the installation of a 1.5 metre chain link fence to replace the existing wood fence at a cost not to exceed \$10,000; and,
 - (b) That the Director of the Public Works Department be directed to place an amount of \$2,000. in the Departments Annual Maintenance Budget for associated walkway maintenance costs including snow removal, weed control and garbage clean-up; and,
 - (c) That the Director of Property be directed to proceed with the transfer of the property from the Wentworth Condominium Corporation No. 79 to the City of Hamilton at a cost not to exceed \$601.; and,
 - (d) That the estimated cost of \$10,000 for this undertaking be financed from the Canada/Ontario Infrastructure Works Programme, as recommended by the Committee of the Whole.

CARRIED.

* * * * *

PARKS AND RECREATION COMMITTEE - FOURTEENTH REPORT

Section 4 Re: Selling of food and alcoholic beverages - St. Naum of Ohrid Macedonian Orthodox Church - Mohawk Sports Park

It was moved by Alderman Jackson and seconded by Alderman Charters that Section 4 of the Fourteenth Report for 1994 of the Parks and Recreation Committee, be amended by adding the following to the first paragraph after the words "... sell food and beverages,"; "at Mohawk Sports Park on 1994 September 4,"

CARRIED.

* * * * *

Section 4 Re: Selling of food and alcoholic beverages - St. Naum of Ohrid Macedonian Orthodox Church - Mohawk Sports Park

Recorded vote on Section 4 as amended.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * *

Section 5 Re: Selling of food and alcoholic beverages - Hamilton Tiger Cat Football Club - Brian Timmis Stadium

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * *

Section 6 Re: United Way of Burlington

It was moved by Alderman Jackson and seconded by Alderman Charters that Section 6 of the Fourteenth Report for 1994 of the Parks and Recreation Committee respecting the United Way of Burlington, Hamilton-Wentworth request for permission to host their Opening Ceremony for the Annual Campaign, 1994 September 16, in Harbourfront Park, be deleted. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE - TWELFTH REPORT

Section 20 Re: Application No. A-94:141 Re: Permit the Second Floor of building to be used for general offices - 231 Bay Street North

Recorded vote.

YEAS: Aldermen Kiss, Drury, Copps. -3.

NAYS: Mayor Morrow, Aldermen Cooke, Agro, McCulloch, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.
LOST.

FINANCE AND ADMINISTRATION COMMITTEE - THIRTEENTH REPORT

Section 17 Re: Paling Industries Ltd. - Replacement of fire package body

Alderman Agro declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Agro is a Employee Benefits Consultant for the Company.

* * * * *

Section 25 Re: Statement of Treasurer

It was moved by Alderman Ross and seconded by Alderman Charters that the following be added as Section 25 of the Thirteenth Report of the Finance and Administration Committee for 1994:

25. That the Statement of the Treasurer summarizing the remuneration and expenses paid to Members of City Council and other bodies for the year 1993 as referred to in Section 2 of the Third Report of the Finance and Administration Committee adopted by City Council at its meeting held 1994 February 22 be amended to reflect an increase in expenses of \$1 260.49 for Alderman T. Anderson. **CARRIED.**

COMMITTEE OF THE WHOLE - NINTH REPORT

CITY OF HAMILTON LICENSING COMMITTEE - FIFTH REPORT

**SPECIAL COMMITTEE TO ADMINISTER
THE HAMILTON-SCOURGE PROJECT**

ACTING MAYOR FOR THE MONTH OF SEPTEMBER, 1994

It was moved by Alderman Cooke and seconded by Alderman Agro that Alderman G. Copps be appointed Acting Mayor for the month of September, 1994. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole, the City of Hamilton Licensing Committee, and the Special Committee to Administer the Hamilton-Scourge Project, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Cooke and seconded by Alderman Agro that the following Bills be now read a first time:

A-55, A-56, A-57, A-58, A-59, A-60.
C-43, C-44, C-45, C-46.
D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that Council move into Committee of the Whole to consider the following Bills, with Alderman Kiss in the chair. (second reading).

A-55, A-56, A-57, A-58, A-59, A-60.
C-43, C-44, C-45, C-46.
D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Report of the Committee of the Whole on the following Bills, be adopted:

A-55, A-56, A-57, A-58, A-59, A-60.
C-43, C-44, C-45, C-46.
D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-55, A-56, A-57, A-58, A-59, A-60.
C-43, C-44, C-45, C-46.
D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

1994 August 30

* * * * *

City Council then adjourned at 9:30 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1994 August 30

JJS/dg

CORRESPONDENCE

REPORTS

1994 September 27

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1994 and respectfully recommends:

1. That City Council enact the By-Law for the sale of a portion of an alley north of McNulty Boulevard and west of Kenilworth Avenue North, designated as Part 1, on Plan 62R-11499.
2. That a three way stop control be implemented on a nine month trial basis at the intersection of Greenhill Avenue and Summercrest Drive and that City Traffic By-law 89-72 be amended accordingly.
3. That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on both sides of Munn Street between Upper Sherman Avenue and East 31st Street, be removed, and that the City Traffic By-law 89-72 be amended accordingly.
4.
 - (a) That the existing "Permit Parking" regulation on the south side of Kingsway Drive which commences at John Street South and extends to a point 180 feet easterly therefrom be extended such that the regulation commences at John Street South and extends to a point 225 feet easterly therefrom; and
 - (b) That the Director of Traffic Services be authorized to issue, upon request, one parking permit to each of the first seven eligible applicants residing in the block to a maximum of seven parking permits; and
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
5.
 - (a) That in conjunction with the existing "Alternate Side Parking" regulation, a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 114 feet west of Cheever Street and extending to a point 24 feet westerly therefrom and on the south side of Francis Street commencing at a point 115 feet west of Cheever Street and extending to a point 21 feet westerly therefrom; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Thomas Raczynski, 67 Francis Street; and

1994 September 27

- (c) That the City Traffic By-law 89-72 be amended accordingly.
- 6. (a) That a "Permit Parking" regulation be implemented on the east side of Fullerton Avenue commencing at a point 212 feet south of Princess Street and extending to a point 25 feet southerly therefrom; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Catherine Hammond, No. 56 Fullerton Avenue; and
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
- 7. That the entry in the City Traffic By-law 89-72 allowing for the implementation of a "Permit Parking" regulation on the east side of William Street from a point 63 feet north of Barton Street East to a point 24 feet northerly therefrom be rescinded.
- 8. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first twelve applicants residing in the apartment building at No. 22-24 Robinson Street.
- 9. That a "No Parking" regulation be implemented on the east side of Mountwood Avenue commencing at a point 54 feet south of Louisa Avenue and extending to a point 73 feet southerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
- 10. (a) That a "Permit Parking" regulation be implemented on the east side of Fullerton Avenue commencing at a point 151 feet south of Princess Street and extending to a point 19 feet southerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Randy Ferrell, 62 Fullerton Avenue.
- 11. That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the west side of Dow Avenue between Main Street West and Paul Street be switched from the west side of the street to the east side and that the City Traffic By-law 89-72 be amended accordingly.
- 12. That the existing "One Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation on the south side of Strachan Street East between John Street North and a point 141 feet westerly therefrom, be removed and that the City Traffic By-law 89-72 be amended accordingly.

1994 September 27

13. That a "No Stopping" regulation be implemented on the south side of King William Street between Catharine Street North and John Street North and that the City Traffic By-law 89-72 be amended accordingly.
14. That the entry in the City Traffic By-law 89-72 allowing for the implementation of a "Permit Parking" regulation on the south side of Forest Avenue from a point 128 feet west of John Street South to a point 23 feet westerly therefrom be rescinded.
15. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first six eligible applicants residing in the apartment building at No. 4 Forest Avenue.
16. That the existing "Permit Parking" regulation on the east side of Crockett Street commencing at a point 59 feet east of Upper Wentworth Street and extending to a point 26 feet easterly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.
17.
 - (a) That the existing "Alternate Side Parking" regulation on Emerald Street North between Burton Street and Shaw Street be replaced with a "No Parking" regulation on the west side and a "Permit Parking" regulation on the east side; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit per residence to Nos. 362, 364, 368, 372, 374 and 376 Emerald Street North and two parking permits to No. 366 Emerald Street North (to a maximum of eight) on a first come first served basis; and
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
18. That the existing "Two Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on both sides of Crockett Street between East 34th and East 35th Streets be replaced by a "Three Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation and that the City Traffic By-law 89-72 be amended accordingly.
19.
 - (a) That the existing "Permit Parking" regulation on the east side of Riverdale Drive which commences at Glenburn Court and extends to a point 275 feet southerly therefrom, be shortened, such that the regulation commences at Glenburn Court and extends to a point 185 feet southerly therefrom; and,
 - (b) That the existing "No Parking" regulation on the east side of Riverdale Drive between Queenston Road and a point 294 feet northerly be removed; and,

- (c) That the City Traffic By-law 89-72 be amended accordingly.
- 20. That "No Stopping" corner clearances be implemented on the north side of Peter Street commencing at a point 47 feet west of Ray Street North and extending to a point 50 feet east of Ray Street North and that the City Traffic By-law 89-72 be amended accordingly.
 - 21. That the existing parking meter on the south side of Roxborough Avenue, immediately west of Kenilworth Avenue be removed and that the City Traffic By-law 89-72 be amended accordingly.
 - 22.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 123573 to the property at No. 11 Jones Street be discharged, at the property owner's expense; and
 - (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and
 - (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
 - 23.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 118390 to the property at No. 129 Park Street North be discharged, at the property owner's expense; and
 - (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and
 - (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
 - 24.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Stanley Avenue commencing at a point 527 feet east of Dundurn Street South and extending to a point 25 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Ms. Cathleen Haywood, 168 Stanley Avenue.

1994 September 27

25.
 - (a) That the existing "Permit Parking" regulation on the west side of Leeming Street commencing at a point 66 feet south of Wright Avenue and extending to a point 18 feet southerly therefrom, be removed; and
 - (b) That a "Permit Parking" regulation be implemented on the south side of Maplewood Avenue commencing at a point 39 feet west of Cedar Avenue and extending to a point 20 feet westerly therefrom; and
 - (c) That the Director of Traffic Services be authorized to re-issue one parking permit to Ms. Judy Simpkins, 170 Maplewood Avenue; and
 - (d) That the City Traffic By-law 89-72 be amended accordingly.
26.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Paling Avenue commencing at a point 628 feet south of Barton Street East and extending to a point 23 feet southerly therefrom; and
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Wendy Archambault, 281 Paling Avenue; and
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
27. That the existing "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 11:00 p.m., seven days a week" regulation on the west side of Wood Street West commencing at a point 100 feet south of Burlington Street West and extending to a point 25 feet southerly therefrom be removed and that the City Traffic By-law be amended accordingly.
28. That the existing "No Stopping, Wheelchair Loading Only, 9:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the east side of James Street North commencing at a point 124 feet north of Macauley Street East and extending to a point 25 feet northerly therefrom be removed and that the City Traffic By-law be amended accordingly.
29. That a "No Stopping" regulation be implemented on the west side of Montmorency Drive, commencing at Haskins Court and extending to a point 85 feet northerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.
30. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of East 24th Street commencing at Crockett Street and extending to the south property line of No. 101 on the east side and to the south property line of No. 102 on the west side, and that the City Traffic By-law 89-72 be amended accordingly.

1994 September 27

31. That the existing eastbound yield sign at the intersection of Juanita Drive and Brenlyn Court be replaced with a stop sign and that the City Traffic By-law 89-72 be amended accordingly.
32. (a) That northbound traffic on Maitland Avenue be required to stop for eastbound and westbound traffic on June Street; and
(b) That westbound traffic on June Street be required to stop for northbound and southbound traffic on Manning Avenue; and
(c) That the City Traffic By-law 89-72 be amended accordingly.
33. That northbound traffic on Hoover Crescent (west leg) be required to stop for eastbound and westbound traffic on Welbourne Drive and that the City Traffic By-law 89-72 be amended accordingly.
34. That eastbound traffic on Victor Boulevard (north and south legs) be required to stop for northbound and southbound traffic on Ridge Street and that the City Traffic By-law 89-72 be amended accordingly.
35. That in accordance with the request by the Hamilton Street Railway, the following bus stop be approved:

Route #3 Cannon

Add - Southbound - MacNab Street South (East Leg), west side, 157 feet south of King Street West (M/B) - recovery point.

36. (a) That, in accordance with Section 15(1) of the Police Services Act, 1990, the following person be appointed as Parking Control Officers:

Roy Rutherford
Gordon Peddle

- (b) That the following appointment as Parking Control Officers be repealed:

Frank Tubbs
Peter Rieger

1994 September 27

37. (a) That the Barnstown Neighbourhood be designated as a Neighbourhood Watch Area; and,
- (b) That Neighbourhood Watch signs for the Barnstown Neighbourhood be erected and maintained by the City Traffic Department, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and,
- (c) That the necessary funds be charged to Account No. CH-55301-75030 (Neighbourhood Watch Program).
38. That purchase orders be issued to 1997 April 30, for the rental of labour and equipment for snow removal, in accordance with the specifications issued by the Manager of Purchasing and Vendor's tenders, attached hereto as Appendix "A", and that this expenditure be financed through the Hired Equipment Clearing Account No. CH56602 60999.
39. That City Council enact the By-law to authorize construction of local improvements of an independent concrete sidewalk on the west side of Upper James Street from Rymal Road to Christopher Drive.
40. That City Council enact the By-law to authorize construction of local improvements of concrete curbs, sidewalks and finished roadway on Ferguson Avenue between Barton and Cannon Streets.
41. That City Council enact the By-law to authorize construction of local improvements of a combined walk and curb on the south side of Brock Street from John Street to approximately 24m east of Hughson Street North.
42. That a purchase order be issued to Sifto Canada, Mississauga, for the supply and delivery of Sodium Chloride Coarse Crushed as and when required by the Public Works Department, being the lowest of three tenders received in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and be financed through Stock Materials Account No. CH56197 60999, as follows:

Delivered Price

\$34.95 per tonne

Picked Up Price

\$33.00 per tonne, plus applicable taxes

1994 September 27

43. (a) That the following City land be incorporated into the street in order to provide access from land known as 108 Annabelle Street, to Annabelle Street:
- | | | |
|------------------|---------|---------------------|
| Annabelle Street | Block E | Registered Plan 823 |
|------------------|---------|---------------------|
- (b) That the By-Law to carry out the incorporation of the said land into the foregoing street be enacted by Council; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the By-Law.
44. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of S. Stone, agent for Neighbourhood Watch #6605, to hold a street party on Dalkeith Street between Rosslyn Avenue and Ottawa Street, on Sunday, 1994 September 4, from 3:00 p.m. to 8:00 p.m., subject to the following conditions:
- (a) That prior approval of the Chief of Police or his/her designate be received, and that such permits or authorization as may be required by the Chief of Police or his/her designate be obtained; and,
- (b) That the standard liability provision that the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss be waived and the City of Hamilton provide this standard insurance requirement; and,
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs be installed in advance by the Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services; and,
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Region and at the expense of the event organizer; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

1994 September 27

- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
45. That the application of I. M. Higgins, owner of 245 King William Street, to erect and maintain an overhead sign measuring 0.55m x 0.10m, encroaching onto the King William Street road allowance, be approved during the pleasure of Council, provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the applicant pay a first year fee of \$252. and an annual fee of \$20.
46. That the application to retain inadvertent encroachments at 107 Melbourne Street and 143 Emerson Street be approved during the pleasure of Council provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees outlined in Schedule "B" attached hereto, be set for the encroachments.
47. That the application of the India-Canada Society to display a promotional banner across Main Street West in front of City Hall from 1994 September 26 to 1994 October 2, with the message "Mahatma Gandhi - Non Violence and Peace - Anniversary Celebration - October 2, 1994", be approved.

1994 September 27

48. (a) That the City Solicitor be authorized to draft amendments to the Noise Control By-law No. 79-292 to incorporate the Provincial Standard on air conditioning devices NPC-216; and,
- (b) That By-law No. 94-080 be repealed; and,
- (c) That the appropriate By-law to amend the Noise Control By-law No. 79-292 receive appropriate reading.
49. (a) That an Offer to Purchase, executed by Regional Officials, on 1994 August 16, and scheduled to close on or before 1994 November 28, for the transfer to the Region of a parcel of land forming part of the property known as 240 Wentworth Street South, being composed of part of Lot 11, Concession 3, in the geographic Township of Barton, being triangular in shape, shown as Part 1 on Plan 62R-12659, containing 33.2 square metres (357.37 square feet) more or less, be approved and completed, at no cost; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
50. (a) That the existing Lease Agreement between the City of Hamilton and William and Sarah Goddard be terminated by the City; and,
- (b) That the City Solicitor be authorized and directed to prepare the necessary Notice of Termination of the Lease to inform the tenants that the Agreement is hereby terminated and the Tenants are required to remove their garage.
51. (a) That the construction of an independent curb on the east side of Upper Kenilworth Avenue from Landron Avenue to Limeridge Road East proceed in accordance with Schedule "C" attached hereto, at an estimated cost of \$56,100., funded from the Local Improvement Projects; and,
- (b) That the Senior Director of Roads be authorized to construct these works once all of the necessary approvals have been received; and,
- (c) That the Finance and Administration Committee be requested to recommend a source of funds for the \$10,000. increase in the City's share for this capital project; and,

1994 September 27

- (d) That the landscape component of this proposal (\$74,000.) be referred to the Parks and Recreation Committee for consideration and possible inclusion in the 1995 to 2001 Capital Budget recognizing that the major portion of the subject lands are located on the Upper Kenilworth Avenue Road Allowance.
- 52. (a) That the Finance and Administration Committee recommend the source of funding for the net additional financing required in the amount of \$1,996.39 for the six projects shown in Schedule "D" attached hereto; and,
 - (b) That the City Solicitor be directed to amend the applicable By-laws for these projects.
- 53. That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton will participate in the White Goods Collection and CFC Removal Demonstration Project commencing in 1994.
- 54. (a) That an Option to Purchase, to be executed by the Wentworth Condominium Corporation No. 79, and scheduled to close on or before 1994 November 25, for the lands being composed of part of the road allowance between Concession 6 and 7 in the geographic Township of Barton, more particularly described as being, firstly, Parts 1 and 2 on Plan 62R-3954 comprising 0.028 acres (113.31 square metres) more or less, and 0.001 acres (4.047 square metres) more or less, respectively; secondly, a parcel flanking along the southerly boundary of said Parts 1 and 2 having a perpendicular width of 5.0 feet (1.524 metres) more or less, and comprising an approximate area of 0.029 acres (118 square metres); the said lands have a frontage of 10.0 feet (3.048 metres) more or less, along the westerly limit of Upper Paradise Road, and an approximate frontage of 11.84 feet (3.6 metres) along the easterly flankage of Fonthill Road, with the exact area to be determined by a survey to be prepared by the owners, acceptable to the Regional Surveyor, be approved and completed, and the purchase price of \$600. be charged to Account No. CH 5X303 00102 (Reserve for Property Purchases); and,
 - (b) That as consideration in the amount of \$2. has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
 - (c) That upon completion of the acquisition, the Senior Director of Roads be directed to prepare the appropriate by-law laying out the subject lands as a public walkway; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

1994 September 27

55. That the Commissioner of Transportation/Environmental Services be directed to proceed with the implementation of the closure of the walkway located between 300 and 304 St. Andrews Drive.
56. That Item 23(b) of the 9-94 Report to the Transport and Environment Committee, approved by Council on 1994 June 28, be deleted, and replaced with the following:

That the application of the Westdale B.I.A. to temporarily close King Street West between North Oval and Cline Avenue from 6:00 p.m. on Thursday, 1994 September 29, to 11:00 p.m. on Saturday, 1994 October 1, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
- (b) That the applicant provide proof of \$3,000,000. Public Liability Insurance naming the City and Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss; and,
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That temporary road closure signs be installed in advance by the Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant; and,
- (f) That the applicant ensure that clean-up operations are carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the applicant; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

1994 September 27

57. That a "Permit Parking" regulation be implemented on the west side of Railway Street commencing at a point 156 feet north of Cannon Street West and extending to the northerly end of the street and that the City Traffic By-law 89-72 be amended accordingly.
58. That leave be granted to introduce the following Bills:
- (a) A-61 A By-law for the Sale of a Portion of an Alley adjacent to 433 Kenilworth Avenue North closed by Judge's Order No. 165968, Part 1, on Plan 62R-11499.
 - (b) A-62 A By-law to Amend By-law No. 89-72 to Regulate Traffic.
 - (c) A-63 A By-law to Amend By-law No. 89-72 to Regulate Traffic.
 - (d) A-64 A By-law to Authorize:
 - (i) The construction of local improvements without petition under Section 12 of The Local Improvement Act of an independent concrete sidewalk on the west side of Upper James Street from Rymal Road to Christopher Drive, as described in Schedule "A"; and,
 - (ii) The special assessment to pay a portion of the cost of the works by the abutting owners; and,
 - (iii) The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Transportation/Environmental Services.
 - (e) A-65 A By-law to Authorize:
 - (i) The construction of local improvements without petition under Section 12 of The Local Improvement Act of concrete curbs, sidewalks and finished roadway on Ferguson Avenue between Barton and Cannon Streets, described in Schedule "A"; and,
 - (ii) The special assessment to pay a portion of the cost of the works by the abutting owners; and,

1994 September 27

- (iii) The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Transportation/Environmental Services.
- (f) A-66 A By-law to Authorize:
 - (i) The construction as a local improvement a combined walk and curb on the south side of Brock Street from John Street North to approximately 24m east of Hughson Street North, (as described in Schedule "A") upon the petition of the abutting owners pursuant to Section 11 of the Local Improvement Act; and,
 - (ii) The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works; and,
 - (iii) The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Transportation/Environmental Services.
- (g) A-67 A By-law to Incorporate Block E, Registered Plan 823 into Annabelle Street.
- (h) A-68 A By-law to Amend By-law No. 79-292 to Control Noise.

RESPECTFULLY SUBMITTED,

**ALDERMAN H. MERLING, CHAIRPERSON
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1994 September 19

Appendix "A" referred
to in Section 38 of the
TWELFTH Report of the
Transport and Environment
Committee for 1994.

Name	Address	GRADERS - WING FLOW	Type	Rates		
				94-95	95-96	96-97
Adair Equipment	14 Frances, Stoney Creek 662-4195, 317-8494		Champion 67 Champion 72	\$144.00	\$148.00	\$152.00
J. Chastney	71 Champlain, Hamilton 561-8240, 317-8433		Champion 69 Champion 75	\$144.00	\$148.00	\$152.00
Danbill Equipment	58 Robson Crescent, Hamilton 388-9817		Champion 600	\$144.00	\$148.00	\$152.00
Spar-Con. Construction Ltd.	4145 Trinity Church Road, RR#2, Binbrook (905) 692-5222		Champion 600 1975	\$144.00	\$148.00	\$152.00
All Around Contracting Inc.	165 Slooyze Road, Hannon 692-4588, (cell) 317-3966, (fax) 692-9012		Champion 740	\$144.00	\$148.00	\$152.00
1002538 Ontario Ltd. c/o Jasen Enterprises	65 Morley, Hamilton 545-4500, (fax) 545-4501		Champion 740	\$144.00	\$148.00	\$152.00
Battaglia Construction	1650 Upper Ottawa, Hamilton 388-2760, 575-0842		Wabco 555C Wabco 555C	\$144.00	\$148.00	\$152.00
King Paving & Mat	3385 Harvester Road, Burlington 639-2993		Champion 1704 Champion 1706 Champion 1707	\$120.00 \$120.00 \$120.00	\$124.00 \$124.00 \$124.00	\$128.00 \$128.00 \$128.00
N.R.G.	98 Chipman, Cambridge (416) 605-7502, (519) 658-8199		Wabco 660B Wabco 660B Wabco 666 Wabco 555	\$140.00 \$140.00 \$140.00 \$140.00	\$144.00 \$144.00 \$144.00 \$144.00	\$148.00 \$148.00 \$148.00 \$148.00
Blacktop Enterprises Ltd.	93 Main Street, Hagersville (905) 768-3366, 528-1212		Champion 602T Champion 562T	\$144.00 \$144.00	\$148.00 \$148.00	\$152.00 \$152.00

• Additional

TRUCKS - TANDEM - TRIAXLE

Cardi Construction Ltd.	24 Garden Ave. Stoney Creek	Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
	560-3122, 560-5803	Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
		Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
		Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
		Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
		Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
		Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00
		Ford Col.	- 28cuyd.	\$48.00	\$50.00	\$52.00

Additional		TRUCKS - LOADERS		Dates	
Name	Address	Type			
J. M. Coucci	38 Cherryridge Close, Hamilton, 561-6119	580K - 1 1/2cuyd.	\$55.00	\$57.00	\$59.00
Roma Construction	2 Hewlston Rd., Stoney Creek, 643-4487	Case 580 - 1/2cuyd.	\$55.00	\$57.00	\$59.00
Dignore	120 Second Rd. W., Stoney Creek, 578-9988	580 E - 1 1/2cuyd. John Deer 310C	\$55.00 \$55.00	\$57.00 \$57.00	\$59.00 \$59.00

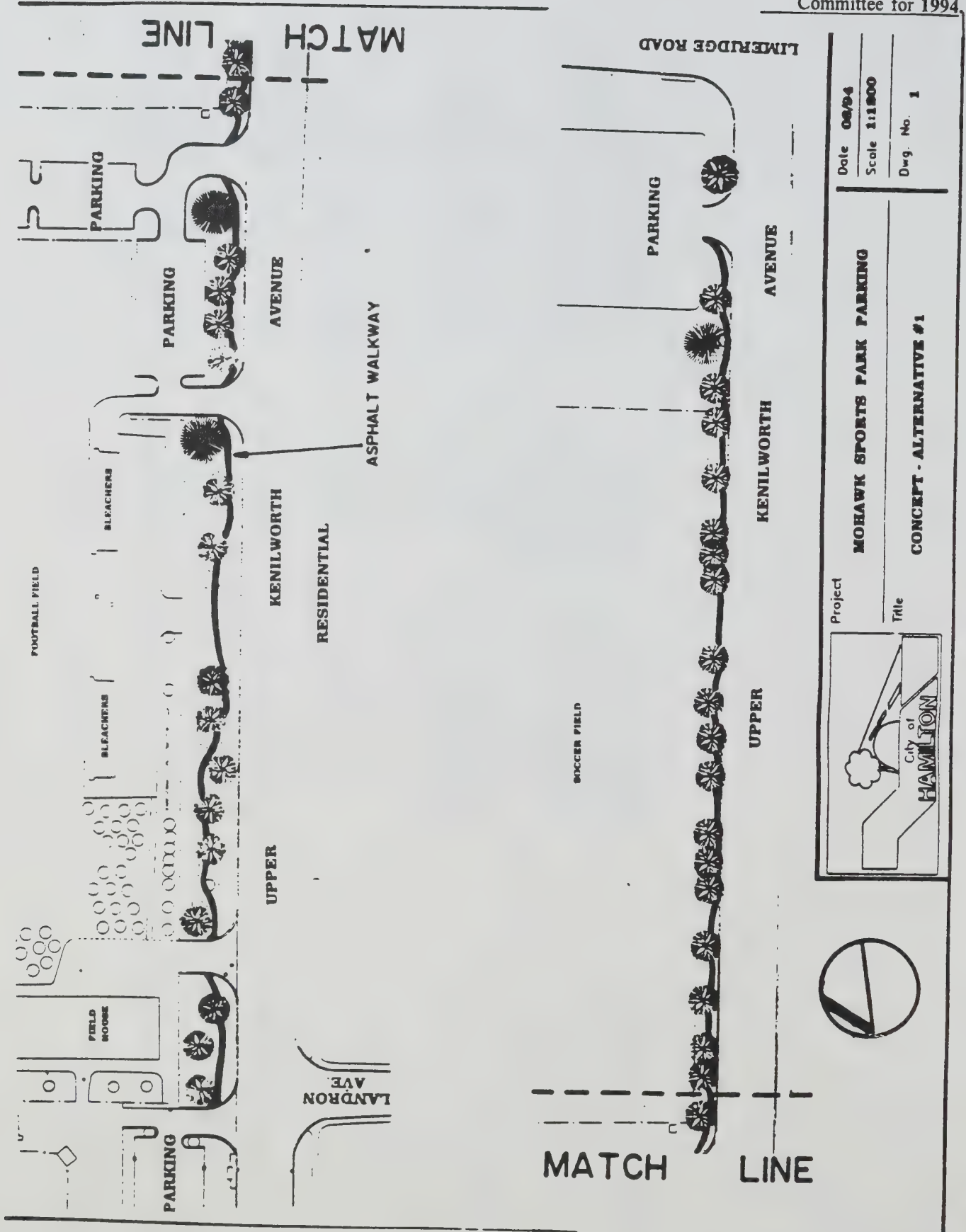
Additional

SIDEWALK EQUIPMENT - BOBCAT/BONDADIES

Name	Address	Type	Rate
Ottavio Ciccarelli & Son	807 Hwy. 53, Ancaster 648-5178	Bobcat - 5' Bobcat - 5' Bobcat - 5'	\$48.00 \$50.00 \$52.00 \$48.00 \$50.00 \$52.00
Chlan's	55 Amberwood, Stoney Creek, 578-5586	Bobcat - 5' Bobcat - 4'	\$48.00 \$50.00 \$48.00 \$50.00
Battlefield Bobcat Service	367 Hemlocke Ave, Stoney Creek, 662-3360, 662-8015	Bobcat - 5' Bobcat - 5'	\$48.00 \$50.00 \$48.00 \$50.00
Arteck 617180 Ontario Ltd.	250 Kemp Rd. W., Grimsby, 945-3639	Thomas - 5' Thomas - 5' Thomas - 5'	\$48.00 \$50.00 \$52.00 \$48.00 \$50.00 \$52.00
Roma Construction	2 Hewlston Rd. Stoney Creek, 643-4487	Bobcat - 4'	\$48.00 \$50.00 \$52.00
Greco Bobcat		Thomas - 133 Melrose - 743	\$48.00 \$50.00 \$48.00 \$50.00
Tony Paul	6 Hewlston Rd. Stoney Creek, 643-1735	Bobcat - 4' Bobcat - 4' Bobcat - 4'	\$48.00 \$50.00 \$52.00 \$48.00 \$50.00 \$52.00
Green Mountain Property Maintenance	34 Arbutus Stoney Creek, 560-4002	Case 1860 - 4' Bobcat 743 - 4'	\$44.00 \$47.00 \$45.00 \$49.00
E. Woytkiw Haulage	2227 Rymal Road East, Stoney Creek, 575-4100, 578-9917	(3) Bobcats- 54" to 60"	\$48.00 \$50.00 \$52.00
Mollson Const.	40 Hildegard, Hamilton 561-0356	Bobcat - 4'	\$48.00 \$50.00 \$52.00

<u>Location</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>First Year/Annual</u>	<u>File Number</u>
107 Melbourne St.	C. & T. Trites	Wood steps measuring 0.2m x 5.1m	Michael Lypka Barrister & Solicitor 20 Hughson Street S. Hamilton Ontario L8N 2A1	\$158/20.00	T103-50-1098
143 Emerson	D. Anderson	Portion of Building measuring 0.05m x 10.48m onto Royal Avenue		\$158/20.00	T103-50-1117

Appendix "B" referred
to in Section 46 of the
TWELFTH Report of the
Transport and Environment
Committee for 1994.



Date	08/94
Scale	1:1800
Dwg. No.	1

Project	MOHAWK SPORTS PARK PARKING
Title	CONCEPT - ALTERNATIVE #1



A-21

1994 September 27

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FIFTEENTH** Report for 1994 and respectfully recommends:

1. (a) That approval as required by Section 32 of the Parks By-law 77-221, be given of the action taken by the Interim Director of Culture and Recreation be granted to Cross Roads to host a contest of various motor cycles during the semi-annual "Show and Shine" at Delta Park on 1994, September 24.
- (b) That approval, as required by Section 5 (b) of the Parks By-law 77-221, be given to Hamilton Lacrosse Association to barbecue during their annual Awards Presentation and Picnic at Gage Park Bandshell on 1994, September 24 from 11:00 a.m. - 6:00 p.m.
- (c) That approval, as required by Section 10 (3a) of the Parks By-law 77-221, be given to C. Summerhayes Ministries to publicly preach and sing the Word of God in Gore Park from 4:00 p.m. - 10:00 p.m. on the following dates:

September 17, October 1, 15, 22, 29,
November 5, 13, 26 and December 17, 1994.
- (d) That the approvals for (a), (b) and (c) above be subject to the following terms and conditions:
 - (i) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided.
 - (a) That insurance, in the amount of \$3 million, comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability and 30 days notice of cancellation, be provided by Cross Roads for the Show and Shine Motor Cycle Contest.

1994 September 27

- (ii) That the applicant assume responsibility for all labour-related costs as a result of this event (i.e. set up, clean-up, etc.)
 - (iii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (iv) That the event will be monitored by the Special Events/Festival Advisory Team, with a post event report back to Committee.
2. (a) That approval, as required by Section 5 (b) and Section 24 (1) of the Parks By-law 77-221, be given of the action taken by the Interim Director of Culture and Recreation in approving the following:
- (i) Molson Restaurant Three-Pitch League, and sell alcoholic beverages in conjunction with their championship baseball games scheduled at Globe Park on 1994, September 11.
 - (ii) Mountain Hamilton Youth Soccer Club Inc. to sell food and beverages in conjunction with the Festitalia Youth Soccer Tournament scheduled at Mohawk Sports Complex on 1994, September 10 and 11.
- (b) That these approvals be subject to the following terms and conditions:
- (i) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury and proof of \$5 million Liquor Licence Liability Insurance be submitted, naming the Corporation of the City of Hamilton as co-insured with a cross liability endorsement.
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.).
 - (iii) That alcoholic beverages be served in a confined area of the Park upon receipt of approval of the Liquor Licence Board.
 - (iv) That Special Duty Officers be deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense.

1994 September 27

- (v) That the concessionaire at Globe Park be contacted to make the necessary arrangements for the provision of food at that location.
3. (a) That approval as required by Section 5 (b) of the Parks By-law 77-221, be given to the Week of the Child Committee Inc. to barbecue during their annual Week of the Child Event in Gage Park on 1994, October 18 from 8:30 a.m. - 12:00 noon, subject to the following terms and conditions:
- (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement.
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (iii) That special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
- (b) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
- (c) The concessionaire stationed at the park be allowed to remain open throughout the festival.
4. That permission be granted to issue a complimentary family pass valued at \$70. to the Hamilton Branch of The Canadian Red Cross Society for their fundraising event taking place on Saturday, 1994 November 12 at The Royal Canadian Legion Hall #163.
5. (a) That the rental fee for The Challengers organization to use the Mohawk Sports Park Track on 1994, October 1, be reduced from \$231. to \$34.65.
- (b) That the rental fee for the 42nd Cubs and Scouts to use the Normanhurst Community Centre for the period of 1994, September to December be reduced from \$15. per hour to \$25. flat fee.
- (c) That approval be given of the action of the Interim Director of Culture and Recreation in approving a reduced rental fee from \$231. to \$34.65 for the annual Terry Fox Run held at Mohawk Sports Park Track on 1994, September 18.

1994 September 27

6. That permission be granted to charge green fees on a buy two (2) get one (1) free basis for the Hamilton Santa Claus Parade Committee's golf tournament scheduled to be held at King's Forest Civic Golf Course on Thursday, 1994 October 6 in accordance with Council policy.
7. That approval, as required by Section 20 (1) of the Parks By-law 77-221, be given to Terry Veevers to operate carriage rides in conjunction with the Harvest Home Festival at Dundurn Castle on 1994, October 1 and 2, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be submitted, naming the Corporation of the City of Hamilton as co-insured.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.).
8.
 - (a) That the licence agreement with Lloyd D. Jackson Square for the use of the mall space be extended to 1995 May 30 for the purpose of continuing to provide regular and special programmed events for the Recreational Awareness in the Square (R.A.Y.S.) Program for Youth.
 - (b) That approval be given to the Interim Director of Culture and Recreation to apply for a Jobs Ontario Community Action Program Grant to assist with the Recreation Awareness for Youth in the Square (R.A.Y.S.) program.
9. That approval, as required by Section 5 (b) of the Parks By-law 77-221, be given of the action taken by the Interim Director of Culture and Recreation in approving the request for Canadian National Railway to barbecue in conjunction with their Annual Employee Fun Day Picnic being held at Globe Park on 1994, September 18th, subject to the following terms and conditions:
 - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured be provided to the City of Hamilton; and,
 - (b) That a working fire extinguisher is located at each barbecue unit ;and,
 - (c) That all food and beverages provided by Canadian National Railway be given away to the participants at the picnic; and,

- (d) That the Canadian National Railway comply with all sections of the Parks By-law 77-221.
10. That approval, as required by Section 5 (b) of the Parks By-law 77-221, be given of the action taken by the Interim Director of Culture and Recreation in approving the request for S.T.A.R. of Hamilton Wentworth to barbecue in conjunction with their annual end of summer awards banquet being held at Hillcrest Park on 1994, September 25th, subject to the following terms and conditions:
- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured be provided to the City of Hamilton; and,
 - (b) That a working fire extinguisher is located at each barbecue unit ;and,
 - (c) That all food and beverages provided by S.T.A.R. of Hamilton Wentworth be given away to the participants at the banquet; and,
 - (d) That the S.T.A.R. of Hamilton Wentworth comply with all sections of the Parks By-law 77-221.
11. (a) That the City sublet 640 Beach Boulevard to the Regional Municipality of Hamilton-Wentworth for the installation of a sanitary sewer pumping station. The lease term is one year at a rent of \$1. per annum to be credited Account No. CH 44104 31106 (Rentals/Fees Civic Properties Rented) and compliance with the terms and conditions set out in the existing lease between the City and the Hamilton Region Conservation Authority. The subject property is more particularly described as Lot 19, Plan 487, in the City of Hamilton; and,
- (i) That this Lease be extended on an annual basis until such time as the overall transfer of Beach Strip properties takes place between the Authority and the City, at which time the Regional Municipality of Hamilton-Wentworth will purchase a permanent registered interest in the lands;
 - (b) That an Authority to Enter Agreement be entered into with the Region to allow the construction of a sewage pumping station on the property known as 640 Beach Boulevard, more particularly described as being in the City of Hamilton, known as Lot 19, Plan 487, commencing the day after Regional Officials execute the Agreement; and,

1994 September 27

- (c) That the City sublet 809 Beach Boulevard to the Regional Municipality of Hamilton-Wentworth for the installation of a sanitary sewer pumping station. The lease term is one year at a rent of \$1. per annum to be credited Account No. CH 44104 31106 (Rentals/Fees Civic Properties Rented) and compliance with the terms and conditions set out in the existing lease between the City and the Hamilton Region Conservation Authority. The subject property is more particularly described as being in the City of Hamilton, known as part of Lot 45, Plan 452; and,
 - (i) That this lease be extended on an annual basis until such time as the overall transfer of Beach Strip properties takes place between the Authority and the City, at which time the Regional Municipality of Hamilton-Wentworth will purchase a permanent registered interest in the lands;
- (d) That an Authority to Enter Agreement be entered into with the Region to allow the construction of a sewage pumping station on the property known as 809 Beach Boulevard, more particularly known as part of Lot 45, Plan 452, described as being in the City of Hamilton, commencing the day after Regional Officials execute the Agreement; and,
- (e) That the City sublet 984 Beach Boulevard to the Regional Municipality of Hamilton-Wentworth for the installation of a sanitary sewer pumping station. The lease term is one year at a rent of \$1. per annum to be credited Account No. CH 44104 31106 (Rentals/Fees Civic Properties Rented) and compliance with the terms and conditions set out in the existing lease between the City and the Hamilton Region Conservation Authority. The subject property is more particularly described as being in the City of Hamilton, known as part of Burlington Beach; and,
 - (i) That this Lease be extended on an annual basis until such time as the overall transfer of Beach Strip properties takes place between the Authority and the City, at which time the Regional Municipality of Hamilton-Wentworth will purchase a permanent registered interest in the lands;
- (f) That an Authority to Enter Agreement be entered into with the Region to allow the construction of a sewage pumping station on the property known as 984 Beach Boulevard, more particularly described as being in the City of Hamilton, known as part of Burlington Beach, commencing the day after Regional Officials execute the Agreement; and,

1994 September 27

- (g) That the Mayor and City Clerk be authorized and directed to execute all necessary documents to finalize this transaction.
12. That approval be given to the Culture and Recreation Department - Cultural Division to apply to the Department of Canadian Heritage for Federal funding for up to \$55,000. under the Museums Assistance Program - Facility Upgrading category to complete the final phase of the Dundurn Castle building restoration.
13. (a) That the City of Hamilton enter into an agreement with the Government of the North West Territories and the Innuitt Council to erect a memorial to recognize the Innuitt citizens who passed away at the Hamilton Mountain Sanatorium and were buried at Woodland Cemetery.
- (b) That Mayor of the City of Hamilton be authorized to seek equal funding from the Federal Government (Indian Affairs), the Government of the North West Territories (Department of Health), the City of Hamilton and donations from the general public to cost share this project.
- (c) That the Manager of Cemeteries upon receiving funding approval and approval of the memorial design from the Innuitt Council proceed to erect the Memorial in an approved location near the actual burial sites.
- (d) That the Mayor of the City of Hamilton be authorized to formulate plans for a dedication service.
- (e) That the Manager of Cemeteries be authorized to place \$16,500. in the Cemetery Divisions proposed 1995 Current budget submission for consideration in the budget process.
14. (a) That a purchase order be issued to Hesco Electric Supply Co. Ltd., Hamilton for the supply and delivery of light fixtures as and when required during 1994 and 1995 for various parks and streets, being the lowest of three tenders received in accordance with specifications issued by the Purchasing Division and Vendor's tender and be financed from Stock Account CH56197-60999; and,
- (b) That a purchase order be issued to Graybar Electric (Ontario) Ltd., Hamilton for the supply and delivery of light fixtures as and when required during 1994 and 1995 for various parks and streets, being the lowest of three tenders received in accordance with specifications issued by the Purchasing Division and Vendor's tender and be financed from Stock Account CH56197-60999; and,

1994 September 27

- (c) That a purchase order be issued to The Lightplan Group Inc., Toronto for the supply and delivery of poles as and when required during 1994 and 1995 for various parks and streets, being the lowest of three tenders received in accordance with specifications issued by the Purchasing Division and Vendor's tender and be financed from Stock Account CH56197-60999.
15. That approval be given to the action by the Interim Director of Culture and Recreation as required by Section 5 (b) of the Parks By-Law 77-221, be given to the Hamilton Tiger Cats Football Club to host a Native Indian Powwow, 1994 September 17, 12 noon - 11:00 p.m. & September 18, 12 noon - 6:00 p.m. in Brian Timmis Stadium, subject to the following terms and conditions:
- (a) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted, naming the City as co-insured with a cross liability endorsement.
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)
 - (c) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - (d) That the event be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin Christenson
Secretary**

1994 September 20

1994 September 27

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **THIRTEENTH** Report for 1994 and respectfully recommends:

1. That approval be given to Zoning Application ZAR-94-21, U-Haul Co. of Canada Ltd., prospective owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit the rental of trucks (maximum of 6 vehicles), as an accessory use to the existing public storage facility, for property located at No. 1088 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 17D.(1), automobile truck rental and leasing services, for a maximum of 6 vehicles, shall be permitted only as an accessory use to a public storage use, and the storage of rental vehicles shall be located only at the rear of the subject lands abutting the rear (south) lot line; and,
 - (ii) Section 18A.(1)(d) shall not apply to a public storage use and accessory automobile truck rental and leasing services.
 - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1332, and that the subject lands on Zoning District Map E-49E be notated S-1332; and,
 - (c) That the Director of Local Planning be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E, in a form satisfactory to the City Solicitor, for presentation to City Council; and,

1994 September 27

- (d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the Clerk be directed to forward the following recommendations and a copy of the report dated 1994 September 13 to the Standing Committee on the Administration of Justice, the Minister of Municipal Affairs and the Hamilton-Wentworth Region, and that they be advised that the City of Hamilton supports Bill 163, An Act to revise the Ontario Planning and Development Act and the Municipal Conflict of Interest Act, to amend the Planning Act and the Municipal Act and to amend other statutes related to planning and municipal matters:
- (a) Provided that the following changes be made to Part III, Planning Act, of Bill 163
 - (i) That Bill 163 should be amended to clarify as to whether or not appeals to Committee of Adjustment decisions can be heard by a committee of Council; and,
 - (ii) That proposed Section 44(12) of the Planning Act be amended to clarify as to whether or not delegated approval authority could be divided between a staff member and a Committee; and,
 - (iii) That proposed Section 22(1) of the Planning Act be amended to clarify that the requirement for a public meeting within 180 days commence upon receipt of a complete application, and that the decision on what constitutes a "complete" application be made by the municipality; and,
 - (iv) That proposed Section 17(6) of the Planning Act be amended to allow municipalities to establish alternative time frames in their Official Plan regarding the timing of public meetings and council decision on a proposed Official Plan Amendment; and,
 - (v) That the Province be advised that the City of Hamilton does not support in their present form the proposed changes in Bill 163 to Section 42 of the Planning Act regarding parkland dedication. Rather, Bill 163 should be amended to clarify that the cash-in-lieu system utilized in the City of Hamilton will be permitted whereby an initial payment is made under Section 42 of the Planning Act at the time of subdivision and that this

1994 September 27

payment is credited against the cash-in-lieu payment required at the time of the issuance of the building permit; and,

- (vi) Bill 163 should be amended to allow for a mechanism to combine the requirements for two public meetings into one meeting where both the plan of subdivision and rezoning can be considered concurrently; and,
 - (vii) That proposed Sections 51(6) and 53(23) of the Planning Act that will require public notification and allow for the appeal to the Ontario Municipal Board of a change in a condition of draft plan approval for a plan of subdivision or consent be deleted from Bill 163; and,
- (b) That the Province amend the proposed changes to Section 223.1 of the Municipal Act to authorize municipalities to control the removal of vegetation and/or tree cutting.
3. That the Mayor be requested to write the Premier of Ontario requesting that the Province of Ontario reconsider its decision not to fund the Ontario Home Renewal Programme - Disabled.
4. (a) That the Mayor with representation from the Planning and Development Committee, arrange a meeting with the Premier of Ontario to request the immediate implementation of the Barton Redevelopment Programme; and,
- (b) That the Mayor be directed to send a letter to the Premier and the Minister of Economic Development and Trade in support of the ongoing negotiations between the Province and the Hamilton Arts Community requesting that the various arts projects proceed to implementation as Regional negotiations continue on the Red Hill Expressway alignment; and,
5. That the appropriate By-law to incorporate offence and penalty sections in By-law Nos. 6593, 74-74, 87-150 and 74-290 regarding fines levied under the Zoning By-law, Property Standards By-law, Site Plan Control By-law and Demolition Control By-law be enacted.
6. (a) That a professional experienced in architectural conservation be hired to examine the current condition of St. Mark's Anglican Church, 130 Bay Street South, and provide cost estimates for the maintenance of the building and conversion to a new use; and,

1994 September 27

- (b) That Staff be directed to investigate costs for undertaking the action as noted in (a) above in addition to investigating the availability of Provincial Grant Programs to offset these costs.
7. That the attached Appendix "B" outlining the Westdale Village B.I.A. project for implementation under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$6,500.
 8. That a Commercial Loan in the amount of twenty five thousand dollars (\$25,000.) be approved for Christina and Charalampos Kalsidis for improvements at 250 Ottawa Street North. The interest rate will be four per cent amortized over ten years.
 9. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and fifty two dollars (\$1,552.) be approved for Grant Young, 221 Brucedale Avenue East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
 10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Randy and Laurie LeClair, 6 Frederick Avenue, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
 11. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Yvonne Clow, 69 Houghton Avenue South. The interest rate will be 8 per cent amortized over 5 years.
 12. That the Building Commissioner be directed to not issue a demolition permit for 206 Bay Street North.
 13. That the Building Commissioner be authorized to issue a demolition permit for 82 Victoria Avenue North.
 14. That the Building Commissioner be authorized to issue a demolition permit for 794 West 5th Street.
 15. That a Hamilton Rehabilitation Programme (H.A.R.P.) application be approved in an amount not to exceed \$7,500 for Luigi and Eileen Unelli, 43 Barton Street West.

Note: The actual amount of grant or loan to be determined by inspection of the property under Property Standards By-law 74-74, and pursuant to By-law 78-133 for the Hamilton Revitalization Programme (H.A.R.P.)

1994 September 27

16. That approval be given to Zoning Application 94-24, Mrs. Hyesoon Lee, owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to permit a parking lot use, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-law No. 89-82, and Zoning District Map E-43 for presentation to City Council, for lands located at No. 60 Dalhousie Avenue, as shown on the attached map marked as APPENDIX "C". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan.
17. (a) That Council of the City of Hamilton has no objections to the policies and designations in the City of Burlington Official Plan since it does not affect the planning intentions of the City of Hamilton; and,

(b) That the City Clerk forward City Council's decision to Halton Region.
18. That the Building Commissioner be authorized to call tenders and proceed to have the necessary work completed to bring 121 Alpine Avenue into compliance with City of Hamilton Property Standards By-Law #74-74 as amended.
19. That leave be granted to introduce the following Bills:
 - (a) C-47 A By-law to Provide for a Penalty Section for various By-laws.
 - (b) C-48 A By-law to Amend Zoning By-law No. 6593 respecting Lands located at No. 1088 Rymal Road East
 - (c) C-49 A By-law to Amend Zoning By-law No. 6593 respecting Lands located at Municipal No. 153 Cathcart Street, No. 194 Barton Street East and Nos. 174, 180 and 186 Ferguson Avenue North

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello
Secretary**

1994 September 27

1994 September 27

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FOURTEENTH** Report for 1994 and respectfully recommends:

1. For the information of the members of City Council, the Finance and Administration Committee have appointed the following members to serve on the VE Day Celebrations Committee:

Chairman	Colonel John A. Williamson
Vice-Chairman	Group Captain Murray G. Marshall
Mayor	Robert M. Morrow
Alderman	William M. McCulloch
United Council of Veterans	Jack McFarland, President
Royal Canadian Legion	Roy G. Graves, Zone Commander
Hamilton Veterans Committee	Michael J. Roach, Chairman
Canada Remembers Project	Fern Viola, Co-Ordinator
Members	Colonel James C. Forsyth
	Colonel George T. Frid
	Commander A. J. Rick Woodrow
	Major Eileen Butson
	Flying Officer Brian W. Morrison

2.
 - (a) That the City pay to Mrs. Mary Sinclair the sum of \$147.50 in full and final satisfaction of her claims for damages arising out of incidents which occurred on 1993 June 29 and 1994 June 24; and,
 - (b) That Mrs. Mary Sinclair be required to sign a Full and Final Release in a form satisfactory to the City Solicitor.
3. For the information of the members of City Council, the Finance and Administration Committee has approved that a Safe City Sub-Committee be established, effective 1995 January 1st to coincide with all other City Committees, in accordance with the Terms of Reference attached hereto and marked as Appendix "A".

1994 September 27

4. (a) That approval be given for the actions taken in authorizing the involvement of the Corporation of the City of Hamilton in contributing to the development of the Nina de Villiers Garden at McMaster University in the form of funding for the purchase and installation of two steel structures to support climbing rose bushes together with the plant material at a total upset cost of \$1,200, applicable taxes included; and,

(b) That the purchase and installation of this work, being undertaken by McMaster University, be funded through the unclassified account centre number - CH 24201.
5. (a) That approval be given to the request of The Head-of-the-Lake Historical Society to use the Council Chamber and second floor foyer on Friday, 1994 October 14 from 7:00 p.m. - 9:30 p.m. for a book launch and reception; and,

(b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.
6. That approval be given to the request of McMaster University and the India-Canada Society to use the City Hall Council Chamber and second floor foyer areas on Sunday, 1994 October 2 from 10:00 a.m. - 1:00 p.m. for a celebration ceremony to mark the 125th Anniversary of Mahatma Gandhi.
7. That as referred to in Section 52 of Twelfth Report for 1994 of the Transport and Environment Committee, the net additional financing required in the amount of \$1,996.39 for six projects whose costs exceeded approved estimates due to retaining wall construction not originally anticipated in the engineer's estimates, be financed from the Reserve for Capital Projects, Account Centre No. CH 00203.
8. That as referred to in Section 51 of the Twelfth Report for 1994 of the Transport and Environment Committee, the additional financing required in the amount of \$10,000. for the construction of an independent curb on the east side of Upper Kenilworth Avenue from Landron Avenue to Limeridge Road East, be allocated out of the 1992 City's share of Local Improvements and financed from the Reserve for Capital Projects, Account Centre No. CH 00203.
9. That realty and business tax applications processed under Section 443 of the Municipal Act, Chapter 45, Statutes of Ontario, 1990 in the amount of \$131,748.89 be approved and charged to CH53307-24104 Tax Remissions.

1994 September 27

10. That the City Treasurer be directed to close the following Capital Project account with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended To Date	Balance Available	Source(s) of Financing
a) 318851001	C.U.P. Replacement /Overhaul Equipment	\$410,000.	\$409,873.	\$127.	Capital Levy RCP
b) 328541101	City Hall - Accommodation Requirements	\$88,000.	\$87,997.	\$3.	RCP
TOTAL				\$130.	

11. (a) That the City of Hamilton co-sponsor a luncheon for the International Symposium on Health Management Conference scheduled to take place at the Hamilton Convention Centre from November 12th to the 15th, 1994 in the amount of \$5,000.; and,
- (b) That this amount be charged to the Special Civic Receptions and Delegation Hosting Account No. CH55314-84010.
12. (a) That David M. Griffith & Associates be awarded the contract for the development of a User Fee Study to commence on 1994 October 3rd, and to be completed by 1995 January 26th, based on a proposal submitted by them, at a firm quotation in the total amount of \$69,550.; and,
- (b) That the amount be financed from account CH55406-24101 Fees-Consultants, as provided for in the 1994 Current Budget.
13. (a) That approval be given to broadening the scope of the use of the funds allocated for consulting assistance in Restructuring, to allow Team Building and Continuous Improvement initiatives to be funded for various Departments; and,
- (b) That \$18,000. be provided to the Traffic Department for a Team Building initiative in the Parking Control Section to hire Ernst and Young as facilitators.

14. That the Mayor be authorized and directed to send a letter to the Premier of Ontario requesting that the Ontario Government make the necessary amendments to the Ontario Building Code, The Ontario Fire Code, and the Hotel Fire Safety Act to require all hotels three storeys or higher in height to be sprinklered.
15. (a) That the staff committee represented by the Treasury, Planning, Culture and Recreation, Public Works, Fire, Traffic, and Building Departments and the Hamilton Public Library and chaired by the Building Commissioner be directed to:
 - (i) Act as the co-ordinating committee responsible for developing a new development charges by-law; and,
 - (ii) Commence a new development charges study; and,
 - (iii) Develop a proposal call for a consultant to assist in the review based on experience and fees; and,
 - (iv) Conduct a review of the development charges policies; and
- (b) That in accordance with the Development Charges Act, a public meeting of City Council through the Finance and Administration Committee be held to advise the public of the City's intent to review development charges policies and with the view to enact a development charges by-law; and,
- (c) That the Law Department be added to the staff committee.
16. (a) That Licence By-law 93-069 be amended:
 - (i) To eliminate any duplication of regulations contained in by-laws of the Building, Fire and Health Departments; and,
 - (ii) To provide for a requirement that each tenant in a lodging house have a lockable personal mailbox; and,
 - (iii) To require the licence holder to post and keep posted a list of emergency telephone numbers for Fire, Health and Building Departments; and,

1994 September 27

- (iv) To remove all reference to sex and age in accordance with Human Rights Legislation; and,
 - (v) To require the owners or operators of a lodging house to obtain a Certificate of Compliance pursuant to the Property Standards By-law 74-74, from the Building Department for each lodging house, commencing in 1995, upon first renewal of those with an existing licence, when a new licence is issued, when a licence is transferred (provided the Certificate of Compliance on the premises is 3 years old) and every third anniversary thereafter; and,
- (b) That the amending By-law, submitted herein for approval as Bill D-27, giving effect to the above noted recommendations be enacted with an effective date of 1995 January 1; and,
 - (c) That the Planning and Development Committee be requested to direct the Planning and Development Department to review the definition of a lodging house and associated definitions in Zoning By-law 6593 in light of the recommendations of the Roomers and Boarders Task Force; and,
 - (d) That the City Clerk be authorized and directed to co-ordinate Training Sessions for lodging house owners and staff prior to the issuance of the licence renewal. Follow-up Training Sessions are to be conducted once yearly for owners and staff of new lodging houses.
17. That the terms of office for the existing citizen members of the various City Committees, Local Boards and Commissions expiring at the end of 1994, be extended until 1995 February 1 or until their successors are appointed, to allow the Committees, Local Boards and Commissions to function until such time as the newly elected Council has had an opportunity to undertake the necessary actions to fill these vacancies.
18. That the 1993 management post audit letter containing recommendations and comments affecting the City's accounting systems, procedures and controls and subsequent management action, be accepted. Copies of this letter were distributed to all members of City Council, and are available from the Secretary upon request.

1994 September 27

19. That outstanding rental arrears and stadium clean up charges due from the Hamilton Steelers Soccer Club for the use of Brian Timmis Stadium for the 1990 and 1991 season in the amount of \$50,693.18 be written off and charged to Account No. CH15401-00001, Allowance for Doubtful Accounts.
20.
 - (a) That the Mayor and City Clerk be authorized to enter into an Agreement with Bell Canada regarding the location of payphones on City property, and within City buildings, and the revenues to be received by the Corporation; and,
 - (b) That the agreement be for a five year term; and,
 - (c) That the agreement be in a form satisfactory to the City of Hamilton Solicitor; and,
 - (d) That the Director of Information Systems be responsible for administration of the Agreement with Bell Canada, and be authorized to approve the addition, or removal, of payphones locations in the schedule to the Agreement as requested by the City Department(s) responsible for the respective City property or building.
21.
 - (a) That the replacement DEC File Server be acquired from Strategic Concepts and GE Hamilton (joint bid) of Mississauga, Ontario (the lowest of 3 proposals), at \$2,755 per month for 36 months commencing 1994 November 1 in accordance with their proposal dated 1994 September 1. Funding to be provided from Account CH56605-26032 (Computer Equipment Rental); and,
 - (b) That the Mayor and the City Clerk be authorized to execute a master lease agreement with GE Hamilton in a form satisfactory to the City of Hamilton Solicitor (the City of Hamilton is the lessee); and,
 - (c) That the Director of Information Systems be authorized to execute the lease schedule for the equipment as approved.
22.
 - (a) That the City resolve Ontario Court (General Division) Action No. 3610/93 by the payment to the Plaintiff, Antonella Sigismondi, of the sum of \$3,500 inclusive of all claims for damages including costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

1994 September 27

- (c) That Ontario Court (General Division) Action No. 3610/92 be dismissed without costs.
- 23.
- (a) That the City terminate the retainer of Underwriters Adjustment Bureau Ltd. as Claims Adjusters for the City's liability and property damage claims; and,
 - (b) That the City Solicitor be directed to send the appropriate notice of termination to Underwriters Adjustment Bureau Ltd. advising them that their retainer by the City is terminated effective immediately; and,
 - (c) That the City Solicitor and the Acting Director of Public Works be authorized to enter into negotiations with Crawford and Company Adjusters Limited, the second lowest bidder on the original Request for Proposals, with a view to establishing a new retainer for Claims Adjusting services.
- 24.
- (a) That the City enter into an Extension Agreement, in a form satisfactory to the City Solicitor and to the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with MNC Lifecare Group Inc., owner of 39 Mary Street, to extend the time open for payment of realty tax arrears on the property, from 1994 September 28 to 1995 December 31, subject to the payment terms set out below; and,
 - (b) That the following extensions to the realty tax payment dates and amounts be approved:
 - (i) the Cancellation Price in respect of the land may be paid on or before 1994 December 31; and,
 - (ii) in the alternative, the time within which the Cancellation Price may be paid, is hereby further extended as follows and the following payments of the Cancellation Price are hereby permitted:

One twelfth of the Cancellation Price as of 1994 December 31, together with a one twelfth portion of 1995 real property taxes (as estimated by the City) shall be paid on the first day of each and every month during 1995 commencing 1995 January 1, and continuing through to 1995 November 1, in equal monthly payments, save and except for the 1995 December 1 payment which shall be an amount sufficient to pay the balance of the said

1994 September 27

Cancellation Price together with the balance, if any, of 1995 real property taxes due and payable up to 1995 December 31; and,

- (c) That as a condition of this approval, the Owner covenants to the City to pay or cause to be paid on or before December 31, 1994, the following:
 - (i) all outstanding Business Taxes in respect of Business Tax Roll number 02-01535-0940-0020-941 owing to the City; and,
 - (ii) all outstanding Business Taxes in respect of Business Tax Roll number 01-01035-3120-0020-941 owing to the City.
25. That leave be granted to introduce the following Bills:
- D-26 A By-law to authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - D-27 A By-law to replace Schedule 28 of Licensing By-law No. 79-323 as consolidated in By-law 93-069 respecting Lodging Houses.
 - D-28 A By-Law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully Submitted,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**ALDERMAN B. CHARTERS, ACTING CHAIRPERSON AND
VICE-CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder, Secretary
1994 September 27**

HAMILTON SAFE CITY SUB-COMMITTEE

TERMS OF REFERENCE

1. Mandate

The mandate of the Safe City Sub-Committee is:

- (a) to monitor the implementation of recommendations in The Women's Safety Audit Report of September 1992; and,
- (b) to identify and monitor safety issues affecting the community; and,
- (c) to develop new policies and programs relating to an ongoing municipal response to violence against all citizens; and,
- (d) to consult with and provide information resources to community groups and agencies in their ongoing work to end violence against women; and,
- (e) to liaise on an on-going basis with all other safety organizations in order to ensure that overlapping of activities does not occur.

2. Membership - Composition

The membership of the Safe City Sub-Committee will be composed of no less than 20 members, and no more than 25 members, consisting of agencies, groups or individuals from the diverse community; City Council; and, two members of the Hamilton Status of Women Sub-Committee.

The Safe City Sub-Committee has a goal of a minimum of a third of its members representing organizations that are by and for visible minority, Native, immigrant and refugee women. The Committee recognizes that this does not replace the need for ongoing consultation with groups not represented on the Safe City Sub-Committee.

3. Reporting Relationship

The Safe City Sub-Committee will be a Sub-Committee of the Finance and Administration Committee.

4. Membership - Selection

- 3.1 Members should be solicited through advertisements in the local newspapers.
- 3.2 In order to reduce any dominance in the Committee, the Hamilton Status of Women Sub-Committee must be an advisory body in the selection process.

- 2 -

- 3.3 Members should have fixed terms of office in accordance with any other similar Committee.
- 3.4 Vacancies: The Sub-Committee shall follow the usual procedures and process of any other Committee.
- 3.5 Relevant background materials on the Safe City Sub-Committee will be made available to all applicants of the Safe City Sub-Committee.
- 3.6 People applying for membership to the Safe City Sub-Committee should be willing to:
 - (a) demonstrate understanding of the Safe City Sub-Committee's mandate, and a commitment to the underlying principles of the Safe City Sub-Committee;
 - (b) work within a City Sub-Committee structure;
 - (c) contribute to the Safe City Sub-Committee.

5. Membership, Guidelines and Conduct

- 4.1 Members are asked to send regrets to the Administrator if unable to attend meetings.
- 4.2 Any member missing more than three (3) consecutive meetings is expected to contact the Administrator with a replacement from their organization. If they are unable to provide a replacement from their organization, another organization will be allowed the opportunity to take their place on the Safe City Sub-Committee.
- 4.3 A member's comment may not be offensive, or contain epithet, innuendo, or ridicule. The Chair or fellow members may interrupt such comments if they feel they are being individually or collectively insulted.
- 4.4 If a member, under 4.3, persists in hurtful behaviour, any member of the Committee can move to request resignation of the individual and replacement from their organization will be recognized to be an extraordinary measure, to be taken only under the most unusual circumstances.

- 3 -

6. Meetings

- 5.1 The Safe City Sub-Committee will meet monthly at City Hall.
- 5.2 The Chair may call special meetings to deal with urgent matters.
- 5.3 Quorum for meetings will be 1/3 of the total of the Sub-Committee membership. Members of the Safe City Sub-Committee may designate an alternate from their organization or office who has the voting right of the member, in the member's absence, at the meeting, and whose presence count towards a quorum.

7. Procedure for Minutes

- 6.1 Volunteer Secretary will take and process minutes of each meeting and be responsible to provide same to members one week prior to meeting.
- 6.2 The use of necessary city equipment to be provided by City Council.

8. Sub-Committees

- 7.1 Every Safe City Sub-Committee member is expected to sit on at least one Sub-Committee over one calendar year.
- 7.2 Each Sub-Committee will develop a set of goals and a timeline on individual issues.
- 7.3 Each Sub-Committee must, at its first meeting, select a Chair and a Notetaker. The Chair and Notetaker positions can be on a rotating basis.

9. Promotions

- 8.1 The Safe City Sub-Committee has a policy of not promoting for profit companies, products and events. It reserves the right to recommend qualified consultants, if such information is requested.

COMMITTEE OF THE WHOLE

(Report to follow)

1994 September 27

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **SIXTH** Report for 1994 and respectfully recommends:

1. That Public Hall Licence No. 127, issued to Jerry Palkowski, 644 Barton Street East, Hamilton be revoked.
2. That Bingo Licence No. M207539, issued to the Hamilton Hurricanes Football Club, be suspended until 1994 October 4.

Confidential background information provided to members of City Council under separate cover.

RESPECTFULLY SUBMITTED

**ALDERMAN T. COOKE
CHAIRPERSON
LICENSING COMMITTEE**

Stella Glover
Secretary

1994 September 22

1994 September 27

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **THIRD** Report for 1994 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for a term commencing October, 1994.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1994 September 27

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1994 SEPTEMBER 27
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

SALE OF A PORTION OF AN ALLEY ADJACENT TO 433 KENILWORTH AVENUE NORTH
CLOSED BY JUDGE'S ORDER NO. 165968
PART 1, ON PLAN 62R-11499

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 17 of the Report 9-94 of the Transport and Environment Committee on 1994 June 28, authorized the City to sell part of an alley, being more particularly described as the first alley north of McAnulty Boulevard from the west limit of Kenilworth Avenue North, westerly to the north/south alley;

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands;

AND WHEREAS Notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the sale of the following portions of the alley adjacent to 433 Kenilworth Avenue North is hereby authorized;

Those parts of an alley lying north of Lots 413, 414, 415, 416 and 417, on Registered Plan 505, designated as Part 1, on Plan 62R-11499, as closed by Judge's Order No. 165968. City of Hamilton. Regional Municipality of Hamilton-Wentworth

2. That an offer to purchase a portion of the alley, closed by Judge's Order No. 165968, be extended to the owners of 195 McAnulty Boulevard over the southerly 6' of the westerly 11' of Part 1, on Plan 62R-11499, subject to the highway closing and sale purchases in the Registry Act and the Municipal Act.
3. In the event that the owner of 195 McAnulty Boulevard does not accept the offer within thirty (30) days of the passing of this By-Law, that the soil and freehold of the said closed portion of alley, designated as Part 1, on Plan 62R-11499, be sold to Lorne Fowler and Moya Fowler or their successors in title for the sum of \$2,000.00, in accordance with the provisions of the agreement dated 1994 May 17; subject to the highway closing and sale purchases in the Registry Act and the Municipal Act.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

*Railway	West	from a point 156 feet north of Cannon to the northerly end	Anytime
Paling	West	from a point 628 feet south of Barton to a point 23 feet southerly therefrom	Anytime
Maplewood	South	from a point 39 feet west of Cedar to a point 20 feet westerly therefrom	Anytime
Stanley	North	from a point 527 feet east of Dundurn to a point 25 feet easterly therefrom	Anytime
Fullerton	East	from a point 151 feet south of Princess to a point 19 feet southerly therefrom	Anytime
Fullerton	East	from a point 212 feet south of Princess to a point 25 feet southerly therefrom	Anytime
Francis	North	from a point 114 feet west of Cheever to a point 24 feet westerly therefrom	Anytime
Francis	South	from a point 115 west of Cheever to a point 21 feet westerly therefrom	Anytime
Kingsway	South	John to 225 feet east	Anytime
Riverdale	East	Glenburn to 185 feet south	Anytime
Emerald	East	Burton to Shaw	Anytime".

and that the following items be deleted therefrom, namely:-

*Kingsway	South	John to 180 feet east	Anytime
-----------	-------	-----------------------	---------

Crockett	North	commencing at a point 59 feet east of Upper Wentworth to a point 26 feet easterly therefrom	Anytime
Leeming	West	from a point 66 feet south of Wright to a point 18 feet southerly therefrom	Anytime
Riverdale	East	Glenburn to a point 275 feet southerly therefrom	Anytime
William	East	commencing at a point 63 feet north of Barton to a point 24 feet northerly therefrom	Anytime
Forest	South	commencing at a point 128 feet west of John to a point 23 feet westerly therefrom	Anytime"

2. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following items, namely:-

*Dow	East	Main to Paul	1hr	8:00 a.m. - 6:00 p.m.	Mon - Fri
East 24th	East	Crockett to south property line of #101	1hr	8:00 a.m. - 6:00 p.m.	Mon - Fri
East 24th	West	Crockett to south property line of #102	1hr	8:00 a.m. - 6:00 p.m.	Mon - Fri
Crockett	Both	East 34th to East 35th	3hr	8:00 a.m. - 5:00 p.m.	Mon - Fri".

and by deleting therefrom the following items, namely:-

*Crockett	North	East 34th to East 35th	2hr	8:00 a.m. - 5:00 p.m.	Mon - Fri
Crockett	South	East 35th to a point 118 feet west	2hr	8:00 a.m. - 5:00 p.m.	Mon - Fri
Strachan	South	John to 141 feet west	1hr	8:00 a.m. - 8:00 a.m.(24hrs)	Mon - Sun
Munn	Both	Upper Sherman to East 33rd	1hr	8:00 a.m. - 6:00 p.m.	Mon - Fri
Dow	West	Main to Paul	1hr	8:00 a.m. - 6:00 p.m.	Mon - Fri".

3. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

*Mountwood	East	from a point 54 feet south of Louisa to a point 73 feet southerly therefrom	Anytime
Emerald	West	Burton to Shaw	Anytime
King William	South	Tisdale to Catharine	Anytime".

and by deleting therefrom the following item, namely:-

*King William	South	Tisdale to 75 ft. east of John	Anytime".
---------------	-------	--------------------------------	-----------

4. **Schedule 24 (Parking Meter Locations)** is hereby amended by deleting from **Section 3(a) (One Hour Limit)** the following item, namely:-

*Roxborough	South	Kenilworth to 80 ft. west".
-------------	-------	-----------------------------

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

*Greenhill	Eastbound and Westbound	Summercrest
Jaunita	Eastbound	Brenlyn
Maitland	Northbound	June
June	Westbound	Manning
Hoover (west leg)	Northbound	Welbourne
Victor (north leg)	Eastbound	Ridge
Victor (south leg)	Eastbound	Ridge".

2. **Schedule 11 (Yield Right-of-Way Signs)** is hereby amended by deleting therefrom the following item, namely:-

*Jaunita	Eastbound	Brenlyn".
----------	-----------	-----------

3. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

*Montmorency	West	Haskins to 85 feet north	Anytime
Peter	North	from a point 47 feet west of Ray to a point 50 feet east of Ray	Anytime
King William	South	Catharine to John	Anytime".

4. **Schedule 34 (Wheelchair Loading Zones)** is hereby amended by deleting therefrom the following items, namely:-

*Wood	West	25 feet	100 feet south of Burlington	8:00 a.m. to 11:00 p.m.
James	East	25 feet	124 feet north of Macauley	9:00 a.m. to 5:00 p.m. Monday to Friday".

PASSED this

day of

A.D. 1994.

CITY CLERK

MAYOR

SCHEDULE "A"

The construction of an independent concrete sidewalk on the west side of UPPER JAMES STREET from Rymal Road to Christopher Drive at the costs not exceeding those set out below:

City's Share	\$44,524.00
Owners' Share	<u>\$37,876.00</u>
TOTAL ESTIMATED COST	<u>\$82,400.00</u>
Estimated Cost per metre frontage	\$ 91.67
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94 -

To Authorize:

1. The construction of local improvements without petition under Section 12 of The Local Improvement Act of concrete curbs, sidewalks and finished roadway on FERGUSON AVENUE between Barton and Cannon Streets, as described in Schedule "A";
2. The special assessment to pay a portion of the cost of the works by the abutting owners;
3. The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Transportation/Environmental Services.

WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 27 of the 9th Report of the Transport and Environment Committee on 1994 June 28;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 28 of the 10th Report of the Finance and Administration Committee on 1994 June 28;

AND WHEREAS it is expedient to proceed without petition to undertake, as local improvements, the works hereinafter described;

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of the Local Improvement Act, R.S.O. 1980;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS Ontario Regulation 710/92 enacted under the authority of the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for a municipality's debt obligations which do not require the approval of the Ontario Municipal Board;

AND WHEREAS the City Treasurer has confirmed that the financial commitments, liabilities and debts of the project listed herein together with the City of Hamilton's other financial obligations and debts do not exceed the City's debt and financial obligation limit prescribed by Ontario Regulation 710/92 (in force as of January 9, 1993) and that the approval of the Ontario Municipal Board with respect to the project listed herein is therefore not required;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$670,000.00
2. The share or portion of the estimated cost of the works in the amount of \$335,950.50 to be borne by the owners of the lands abutting directly on the works and the estimated cost per metre shall be rated as set out in Schedule "A", provided that the actual rate per metre shall be specially assessed upon the lots abutting directly on the works and payable in equal annual instalments until fully paid.
3. Pending payment of the share or portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth:
 - (a) to the extent sufficient to provide an amount not exceeding \$335,950.50,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Transportation/Environmental Services is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1994.

CITY CLERK

MAYOR

(1994) 9 R.T.E.C. 51, June 28
(1994) 28 R.F.A.C. 10, June 28

SCHEDULE "A"

The construction of concrete curbs, sidewalks and finished roadway on FERGUSON AVENUE between Barton and Cannon Streets at the costs not exceeding those set out below:

City's Share	\$335,950.50
Owners' Share	<u>\$334,049.50</u>
TOTAL ESTIMATED COST	<u>\$670,000.00</u>
Estimated Cost per metre frontage	\$ 353.29
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94 -

To Authorize:

1. The construction as a local improvement a combined walk and curb on the south side of BROCK STREET from John Street North to approximately 24m east of Hughson Street North, (as described in Schedule "A") upon the petition of the abutting owners pursuant to Section 11 of the Local Improvement Act;
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications and reports and the supervision of construction of the said works by the Commissioner of Transportation/Environmental Services.

WHEREAS a petition for the works hereinafter described to be constructed as local improvements has been lodged with the Clerk pursuant to Sections 7 and 11 of the Local Improvement Act, R.S.O. 1990, c. L.26;

AND WHEREAS at least two thirds of the owners directly abutting the proposed works, representing at least one-half of the value of the lots liable to be specially assessed, have signed and lodged the said petition with the Clerk for presentation to Council for the City to undertake the said works as local improvements;

AND WHEREAS the City Clerk has, as required by the Local Improvement Act, issued his certificate that the said petition sufficiently meets the minimum requirements of the Local Improvement Act;

AND WHEREAS when Council is presented with a sufficiently signed petition for a work, the Local Improvement Act provides that Council may pass a by-law to undertake the works as a local improvement;

AND WHEREAS the Council of The Corporation of the City of Hamilton did decide (in adopting Item 5 of the 10th Report of the Transport and Environment Committee on 1994 July 26) to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements pursuant to the petition received from the abutting owners;

AND WHEREAS the Council of The Corporation of the City of Hamilton did adopt Item 5 of the 12th Report of the Finance and Administration Committee on 1994 July 26 to authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and, pending payment in full by the abutting owners of the special assessment provided for below, to finance the abutting owners' portion of the costs by borrowing such funds, through the Region's issuance of debentures;

AND WHEREAS the Regional Municipalities Act, (R.S.O. 1990, c. R.8, Sec.11) provides that "no area municipality has power to issue debentures", and that Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, (R.S.O. 1990, c.O.28, Sect.65), states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained;

AND WHEREAS the Local Improvement Act (Sec.53(7)) states that the amount of monies borrowed in respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the Municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, (R.S.O. 1990, c.M.45), establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvement works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the following described works may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$27,800.00

The construction of a combined walk and curb on the south side of BROCK STREET from John Street North to approximately 24m east of Hughson Street North.

City's portion of the cost	\$21,568.00
Owners' portion of the cost	<u>\$ 6,232.00</u>
Total Estimated cost of the works	<u>\$27,800.00</u>
Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$ 124.63

2. The portion of the estimated costs of the said works in the amount of \$6,232.00 shall be borne by the owners of the lands abutting directly on the works and the said estimated cost per metre shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in annual instalments until fully paid.
3. Pending payment of the abutting owners' portion of the costs referred to in Section 2, the said portion shall be financed by the issue of debentures (subject to the terms listed below) by the Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton;
 - (a) to the extent sufficient to provide an amount not exceeding \$6,232.00 and,
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.
4. The Commissioner of Transportation/Environmental Services is hereby authorized to:
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of , A.D. 1994.

CITY CLERK

MAYOR

(1994) 10 R.T.E.C. 5, July 26

(1994) 12 R.F.A.C. 5, July 26

SCHEDULE "A"

The construction of a combined walk and curb on the south side of BROCK STREET from John Street North to approximately 24m east of Hughson Street North at the costs not exceeding those set out below:

City's Share	\$21,568.00
Owners' Share	<u>\$ 6,232.00</u>
TOTAL ESTIMATED COST	<u>\$27,800.00</u>
Estimated Cost per metre frontage	\$ 124.63
Fifteen (15) annual instalments	

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO INCORPORATE BLOCK E, REGISTERED PLAN 823
INTO ANNABELLE STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Annabelle Street incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Annabelle Street.

All of Block E, Registered Plan 823

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend

By-law No. 79-292

TO CONTROL NOISE

WHEREAS By-law No. 79-292 was passed on the 30th day of October, 1979, in accordance with Section 95 of the Environmental Protection Act, 1971 (now the Environmental Protection Act, R.S.O. 1990, Chapter E.19, Section 178);

AND WHEREAS the Province of Ontario has enacted NPC-216, concerning Residential Air Condition Devices, to replace NPC-116;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Clause 3(d) of By-law No. 79-292 is deleted and replaced by the following:

From any air conditioning device of a type referred to in Schedule 1 in excess of the limits stated in Publication NPC-216 - Residential Air Conditioning Devices;

2. Section 26 of the said By-law is repealed and replaced by the following:

"Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to the penalty specified by Section 60 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

3. This By-law comes into force upon approval by the Minister of Environment and Energy.
4. By-law No. 94-080 is hereby repealed.

PASSED this _____ day of _____, 1994.

CITY CLERK

MAYOR

This By-law is approved pursuant to the provisions of the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended at Toronto this _____ day of _____, 1994.

Minister of Environment and Energy

:BYLAW.PENALTIES

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Provide For a Penalty Section

For Various By-laws

WHEREAS the City of Hamilton Act, 1994 received Third Reading on June 14, 1994 and Royal Assent on June 23, 1994.

AND WHEREAS the City of Hamilton Act, 1994 authorizes the Council of the Corporation of the City of Hamilton to enact a by-law to establish the offence and penalty sections for the Zoning By-law, Property Standards By-law, Demolition Control By-law and Site Plan Control By-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enact as follows:

1. By-law No. 6593 is amended by deleting Subsection 4 of Section 20 and the following is submitted:
 - 20.(4)(a): Violations and Penalties: Every person who uses any land, or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction shall be liable on a First Conviction to a fine of not more than \$25,000.00 and upon a subsequent conviction shall be liable to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day which the person was first convicted.
 - (4)(b): Despite Subsection 4(a), where a Corporation is convicted of an offence under this By-law, the maximum penalty shall be for the first conviction a fine of not more than \$50,000.00 and upon subsequent convictions a fine of not more than \$25,000.00 a day or part thereof upon which the contravention has continued after the day on which the Corporation was first convicted.
2. By-law No. 74-74 is amended by deleting Section 35 and adding the following section:
 - 35(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$2,000.00 for a first offence and to a fine of not more than \$10,000.00 for any subsequent offence.
 - 35(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed by the Corporation is \$10,000.00 for a first offence and \$50,000.00 for any subsequent offence.

- PASSED** this _____ day of _____, 1994.

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT No. 1088 RYMAL ROAD EAST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-12" (Prestige Industrial) District provisions, as contained in Section 17D. of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that:

- (a) Notwithstanding Section 17D.(1), automobile truck rental and leasing services, for a maximum of 6 vehicles, shall be permitted only as an accessory use to a public storage use, and the storage of rental vehicles shall be located only at the rear of the subject lands abutting the rear (south) lot line; and,
- (b) Section 18A.(1)(d) shall not apply to a public storage use and accessory automobile truck rental and leasing services.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-12" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1332.

4. Sheet No. E-49E of the District Maps, appended to and forming part of By-law No. 6593, is amended by marking the lands referred to in section 1. of this by-law, S-1332.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

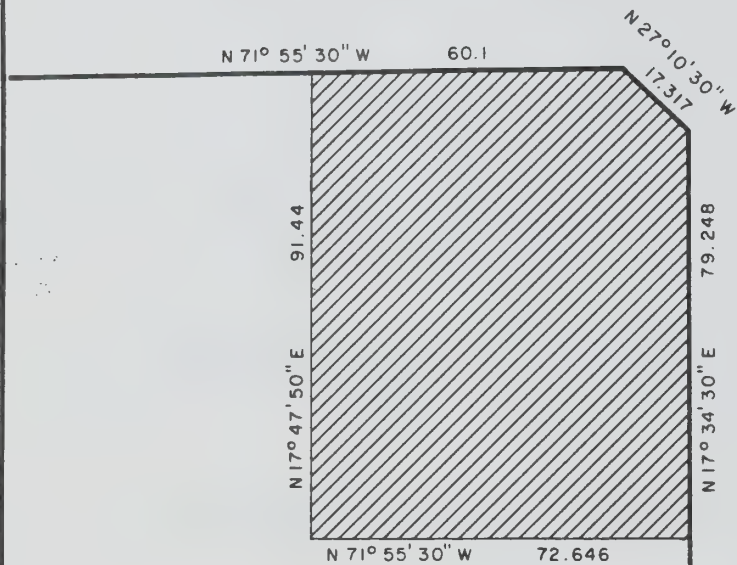
A.D. 199 .

CITY CLERK

MAYOR

(1994) 13 R.P.D.C. , September 27
U-Haul Co. of Canada Ltd.
ZAR-94-21

RYMAL ROAD EAST



UPPER OTTAWA STREET

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 94-.....



North	Scale Not to Scale	Reference File No. ZAR-94-21
	Date SEPTEMBER 1994	Drawn By Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NO. 153 CATHCART STREET,
NO. 194 BARTON STREET EAST AND
NOS. 174, 180 AND 186 FERGUSON AVENUE NORTH**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-3 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "JJ" (Restricted Light Industrial) District to "CR-2" (Commercial - Residential) District, the land comprised in Block 1; and
- (b) by changing from "JJ" (Restricted Light Industrial) District to "DE-2" (Multiple Dwellings) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The "CR-2" (Commercial - Residential) District provisions, as contained in Section 15B of Zoning By-law No. 6593, applicable to the lands referred to in section 1(a) are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 15B.(8)(b) of Zoning By-law No. 6593, no building or structure shall exceed eight (8) storeys or 26.0 metres (85.30 feet) in height;
- (b) notwithstanding Section 15B.(9) and (11) of Zoning By-law No. 6593, a minimum westerly side yard depth of 3.0 m shall be provided and maintained on the subject lands;
- (c) notwithstanding Section 15B.(9)(a) and 11(a) of Zoning By-law No. 6593, a front yard not less than 5.0 m in depth shall be provided and maintained from the widened limits of Barton Street East for any portion of the building above two (2) storeys in height;

- (d) notwithstanding Section 15B.(16)(a) of Zoning By-law No. 6593, a building or structure comprised of a joint residential use and commercial use, shall have a gross floor area of not more than the product of area of the lot in the district in which it is situated multiplied by a floor area ratio factor of 2.25; and
- (e) notwithstanding Section 15B.(16)(b) of Zoning By-law No. 6593, the residential portion of a joint residential use and commercial use, shall have a gross floor area of not more than the product of the area of the lot in the district in which it is situated multiplied by the floor area ratio factor of 1.7.

3. The "DE-2" (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593, applicable to the lands referred to in section 1(b) are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10B.(1) of Zoning By-law No. 6593, townhouse units subject to the "RT-20" District provisions of Section 10E shall be permitted on the subject lands;
- (b) notwithstanding Section 10B.(2) of Zoning By-law No. 6593, no building or structure shall exceed four (4) storeys or 17.0 metres (55.77 feet) in height;
- (c) notwithstanding Section 10B.(3)(i)(b) of Zoning By-law No. 6593, a minimum front yard depth of 3.0 metres shall be provided and maintained on the subject lands; and
- (d) no individual access driveways for townhouses shall be permitted from Ferguson Avenue North.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "CR-2" District and "DE-2" District provisions, subject to the special requirements referred to in sections 2 and 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1330.

6. Sheet No. E-3 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1330.

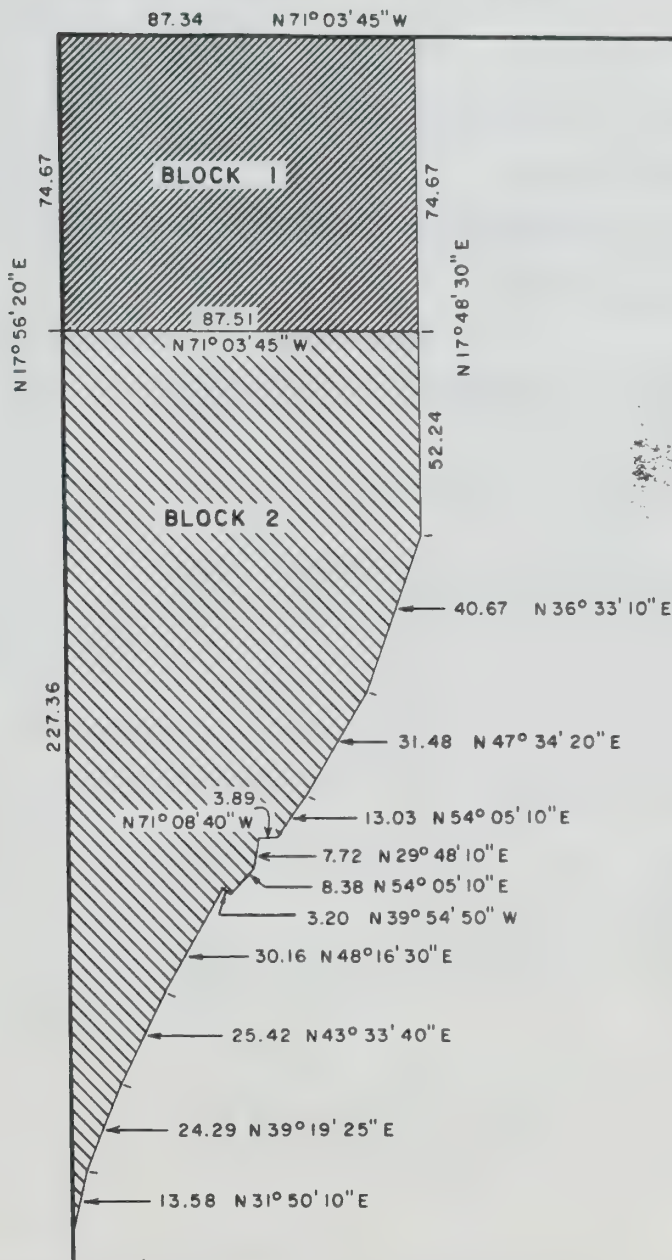
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1994

CITY CLERK

MAYOR

FERGUSON AVENUE NORTH



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from "JJ" (Restricted
Light Industrial) District, modified to:

BLOCK 1



"CR-2" (Commercial Residential)
District, modified.

BLOCK 2



"DE-2" (Multiple Dwellings) District, modified.

North



Scale
Not to Scale

Date
AUGUST 1994

Reference File No.
ZAC-94-08

Drawn By
Z.K.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c. M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS on September 28, 1993, as Instrument No. 164996, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating there are arrears of realty taxes in excess of three (3) years on the land described in Schedule "A" annexed hereto, (hereinafter referred to as the "land" or the "Land");

AND WHEREAS the said land is recorded by The Corporation of the City of Hamilton under the following Tax Roll Serial No.:

25 18 020 153 50940;

which tax roll also records the Schedule A land under the following municipal address:

39 Mary Street, Hamilton, Ontario, L8R 3L8

AND WHEREAS MNC LIFECARE GROUP INC., (hereinafter referred to as the "Owner"), the Owner of the said land has requested that the City exercise its discretion to pass this bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid and the terms of such payments set out in Schedule "B" annexed to this by-law;

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the 28th day of September, 1994.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1.
 - (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "B" annexed hereto, are hereby authorized to be extended pursuant to an Extension Agreement.
 - (b) The owner of the land described in Schedule "A" may, on or before September 28, 1994, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this

day of

A.D., 1994.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Replace Schedule 28 of Licensing By-law No. 79-323

As Consolidated in By-law 93-069

Respecting:

LODGING HOUSES

WHEREAS Schedule 28 to Licensing By-law No. 79-323, as consolidated in By-law 93-069 provides for the licensing of lodging houses and their keepers;

AND WHEREAS it is desirable to add to the requirements for lodging houses, and eliminate duplication of other by-laws and codes;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Schedule 28 of By-law No. 79-323 as consolidated in By-law 93-069, be repealed, and the following substituted therefor:

SCHEDULE 28

LODGING HOUSES

Interpretation

1 Definitions:

(a) "lodging house" means a nursing home and any house or other building or portion thereof in which four or more persons are harboured, received or lodged for hire, and where lodging rooms are without kitchen facilities for the exclusive use of the occupants, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under a general or special Act other than the Municipal Act; and

(b) "second level lodging house" means a lodging house as further defined in City by-law 80-259 as amended.

Licence Required

2.(1) No person shall operate a lodging house in the City of Hamilton, unless the keeper of the lodging house first obtains and maintains a licence under this by-law for the keeping and operation of that house.

(2) Subject to sections 6 and 7 of this Schedule, second level lodging house licences and applications shall be dealt with under this by-law.

Miscellaneous Requirements for Lodging Houses

3.(1) The keeper of a lodging house shall ensure that the lodging house is so designed, constructed, equipped and maintained as to be in compliance with applicable laws and this by-

law, and available and suitable for the use of residents, and, without restricting the generality of the foregoing,

(a) There shall be at least one water closet, one wash basin, and one bath tub or shower bath in a separate room or compartment, for every seven residents, based on the lodging house capacity for residents or the actual occupancy, whichever is greater.

(2) Without restricting the generality of (1), the keeper of a lodging house shall ensure,

(a) That the building and all facilities are maintained and used in accordance with the standards provided in this by-law, and that the same and all equipment, furniture and furnishings are kept in good repair and in clean and sanitary condition, and available for use by residents;

(b) That each resident of the lodging home is supplied with a separate lockable mail box;

(c) That a register is maintained at the lodging house, with the name and signature of all residents, their usual residence or if none their last residence, the date of entry to and date of departure from the lodging house, and type of identification produced by the resident to the operator or staff of the lodging house;

(d) That there is provided at all times an adequate supply of clean towels for each individual, and other customary toilet supplies, and that all water-closet accommodation and toilet accommodation is provided without extra charge;

(e) That there is posted along with the licence certificate a notice signed by the operator, giving his name, address and telephone number, and the name, address and telephone number of the employee or agent in charge of the particular premises, along with the emergency telephone numbers for Fire, Police, Building and Health Departments.

(3) Subject to (4), a person applying for or transferring a lodging house licence shall provide with the application, for each lodging house property, a certificate of compliance issued to the person under property standards by-law 74-74 as amended, the date of which is no more than 45 days before the date on which the Licence Committee considers the application for a licence.

(4) A lodging house licence holder applying for renewal of the licence shall comply with (3), unless there is a certificate of compliance issued to the licence holder under property standards by-law 74-74 as amended, the date of which is no more than three years before the date on which the Licence Committee considers the application for a licence.

(5) A person applying for a licence shall attend a training session conducted by or on behalf of the City, prior to issuance of a licence.

Inspection

4. The medical officer of health, the chief licence inspector, or a police officer, may at all reasonable times make inspection of any lodging house and of the records required to be kept, and either of the former two said officials may delegate such duty to a subordinate.

5. The amount of the licence fee for a licence granted under this Schedule, except the fee for a second level lodging house licence, is provided in section 28 of Schedule 45 of this by-law.

6. The provisions of and licence fees in by-law 80-259, as amended, continue to apply to second level lodging houses.

7.(1) The issuance, revocation and administration of second level lodging house licences shall be dealt with under the provisions of this by-law.

(2) Sections 3 and 4 of this Schedule shall not apply to second level lodging houses.

2. This by-law comes into force and effect on January 1, 1995.

PASSED this

day of

A.D. 1994.

CITY CLERK

MAYOR

BY-LAW NO. 94 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27TH DAY OF
SEPTEMBER, A.D., 1994.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of September A.D. 1994

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1994



J. McAnanama
Chief Librarian
Hamilton Public Library

RECEIVED

SEP 20 1994

1994 September 23

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

COMMITTEE OF THE WHOLE
TUESDAY, 1994 SEPTEMBER 27
6:30 o'clock p.m.
Room 233, City Hall

J. J. Schatz
City Clerk

AGENDA

1. Mayor R. M. Morrow - Opening Remarks
2. City Solicitor - Liquor Licence - Hamilton Hornets
3. Adjournment.

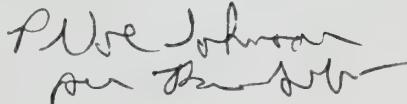
c.c.: J. Pavelka, Chief Administrative Officer
Management Team

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 September 23

REPORT TO: J. Schatz, Secretary
Committee of the Whole

FROM: P. Noé Johnson
City Solicitor



SUBJECT: Liquor Licence for Hamilton Hornets Rugby Football Club

RECOMMENDATION:

1. On the condition that the Hamilton Hornets Rugby Football Club supplies an insurance certificate in a form and amount satisfactory to the City Solicitor, that the City accept the Liquor Licence Board of Ontario proposal to add the following as restrictions for zoning compliance to the Club's liquor sales licence:

a) as an "accessory use" of Mohawk Sports Park, any liquor sales take place only on occasions of the Club's games, practices and tournaments where there is use of the playing fields, the schedule of which occasions is submitted to Council for approval, and providing that sales end by midnight on each occasion;

2. That Council rescind its resolution, being item 5(c) of the 13th report of the Parks and Recreation Committee adopted by Council on June 25, 1991, dealing with the requirement for sale of liquor by special occasion permits only;

3. That Council approve the attached list of the Club's games, practises and tournaments, for the sale of liquor; and

4. That Council authorize the Clerk and Mayor to execute a revised cost sharing agreement with the Club, to deal with the incorporation of the Club, use of a portable building and the conditions for liquor sales, in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: See below.

BACKGROUND: There are several items of background approved through the Parks and Recreation Committee: The first is the approval of a cost sharing agreement for a clubhouse constructed at Mohawk Sports Park in 1980 to which the Club contributed \$12,500.00, in addition to rental for playing fields and other expenses under the agreement. The Club is a non-profit organization, and the agreement recognizes the Club would raise funds by the sale of liquor from the clubhouse for various events, including practises, games and social events under special occasion permits. Instead of special occasion permits, the Club obtained a continuing liquor sales licence. Accordingly, the most recent Council approval, in 1991, was for advising the L.L.B.O. of zoning non-compliance and the City's request to the L.L.B.O. to revoke or suspend the liquor sales licence, and to allow liquor sales only through special occasion permits. The liquor licence issue came before the L.L.B.O. on August 9, 1994, and is set for hearing on October 25, 1994. The Mayor has requested the matter be referred to Committee of the Whole, to deal with adding restrictions to the Club's licence as an alternative to trying to revoke the licence.

DISCUSSION: There is an opportunity to resolve three concerns between the City and Club by co-operation. The original agreement with the Club required special occasion permits for liquor sales. The Club obtained a continuing liquor sales licence, the unrestricted use of which in contrary to zoning. Secondly, the Club's sale of liquor and dates for use of the clubhouse require prior City approval under the agreement. Lastly, there is the need for a new agreement to recognize the incorporation of the Club and use of a portable building. The Club has been slow or uncooperative with the last two items, and the new Club president should be available to answer questions if necessary. Sale of liquor was part of the original agreement, with dates subject to approval of the then Director of Recreation. Adding restrictions to the liquor licence for the type of event would solve the zoning concern.

The zoning concern relates to unrestricted use of the liquor sales licence by the Club. A liquor sales licence is considered a restaurant use under zoning, because food must be available with liquor. If the clubhouse operates as a public restaurant it is a zoning violation. If the clubhouse is used as a field house for the Club in conjunction with use of the playing fields there is no zoning concern. Zoning for the site does not permit a restaurant, notice of which was given to the L.L.B.O. The original letter was sent in 1988, before zoning compliance was required, and a two year "club licence-dining lounge" was issued. In 1990 the Liquor Licence Act was changed, adding a requirement of zoning compliance and renaming the licence a "liquor sales licence". The licence has been renewed twice since 1990.

Zoning does permit land use that is "accessory" to proper uses. Use of the playing field at the park is a proper use, and the Club's service of food and liquor in conjunction with events on the playing field is considered accessory. Restricting liquor sales to the Club's games, practises and tournaments, by adding a restriction to the liquor licence, would not be contrary to zoning. The Club is willing to agree to the restriction to keep their licence.

Otherwise the Club would have to apply for special occasion permits for each event, at a higher cost. The Club was only supposed to have Special Occasion Permits under the original agreement, but in 1988, applied to the L.L.B.O. for a permanent licence because of the savings and convenience. The City had concerns when the Club first obtained the two year liquor licence, because it was unrestricted, and could be used contrary to zoning. Had the Club involved the City with the application, or had the City raised accessory uses in its original letter, the first liquor licence could have been restricted as suggested here. The Club is arranging to provide insurance coverage to comply with City requirements, and the approval is conditional upon producing a proper insurance certificate. The Club has assisted the City in the past by hosting social events after other uses of the playing fields, such as the women's soccer events for the World University Games. In the future such events will require special occasion permits.

Two conditions on the approvals by Council are recommended by staff: the Club would sign a revised agreement, and provide dates of use of the clubhouse and for liquor sales as required under the original agreement. The City may approve or reject the dates for liquor sales under recommendation 3 without dealing with the other recommendations. The cost sharing agreement needed to be revised anyway to recognize the incorporation of the Club and the installation and use of a portable building by the Club but would be changed to allow use of a liquor sales licence and to restrict the type of events for which liquor may be sold. The Club is agreeable to both matters, and is interested in a new agreement for use of the clubhouse after expiry on March 31, 1995. The proposed agreement in Recommendation 4 is not an extension beyond March 31, 1995.

In the alternative, the City is not required to approve the recommendations. A hearing on the liquor licence will proceed on October 25, 1994, at which the City can oppose the liquor sales licence. Three citizens attended at the L.L.B.O. on August 9, with a petition for revoking the liquor sales licence. The petition speaks only of the zoning, but the objection is based on a lounge use in the neighbourhood. While there have been suggestions of noise or other problems, these matters are not expected to be raised at the liquor licence hearing because of lack of witnesses to give evidence. The recommendations deal with the zoning concerns. The L.L.B.O. asked that the citizens who appeared on August 9 be given a copy of any approval of Council. This will allow the citizens to comment, if necessary, at the hearing on October 25, 1994. A hearing may not be necessary if all concerns are resolved. If Council does not approve the recommendations 1 and 2 allowing the liquor sales licence to continue, counsel will oppose the licence at the hearing on October 25.

PNJ/RAS/mm

USE OF CLUB HOUSE

* liquor sales

** liquor sales, subject to weather/turnout for practice

30/08/94	Club Practice	*
01/09/94	Club Practice	*
05/09/94	Club Meeting	*
06/09/94	Club Meeting	*
08/09/94	Club Practice	*
10/09/94	Home Game	*
13/09/94	Club Practice	*
15/09/94	Club Practice	*
17/09/94	Mini Rugby	*
20/09/94	Club Practice	*
22/09/94	Club Practice	*
24/09/94	Home Game	*
27/09/94	Club Practice	*
29/09/94	Club Practice	*
01/10/94	Mini Rugby	*
03/10/94	Club Meeting	
04/10/94	Club Practice	*
06/10/94	Club Practice	*
08/10/94	Home Game	*
11/10/94	Club Practice	*
13/10/94	Club Practice	*
18/10/94	Club Practice	*
20/10/94	Club Practice	*
25/10/94	Club Practice	*
27/10/94	Club Practice	*
29/10/94	Halloween Dance	
01/11/94	Club Practice	*
03/11/94	Club Practice	*
04/11/94	Penny Sale for Kids Christmas	
05/11/94	Home Game	*
08/11/94	Club Practice	**
10/11/94	Club Practice	**
14/11/94	Club Meeting	
15/11/94	Club Practice	**
17/11/94	Club Practice	**
22/11/94	Club Practice	**
24/11/94	Club Practice	**
25/11/94	Turkey Roll Fund Raiser	

28/11/94	Annual General Meeting	
29/11/94	Club Practice	**
01/12/94	Club Practice	**
05/12/94	Club Meeting	
06/12/94	Club Practice	**
08/12/94	Club Practice	**
13/12/94	Club Practice	**
15/12/94	Club Practice	**
17/12/94	National Rugby Union Meeting	
18/12/94	Kids Christmas Party	
20/12/94	Club Practice	**
22/12/94	Club Practice	**
24/12/94	Club open 2-6 pm.	
27/12/94	Club Practice	**
29/12/94	Club Practice	**



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1994 October 11
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

OCT 11 1994

**J. J. Schatz
City Clerk**

A G E N D A

GOVERNMENT DOCUMENTS

1. National Anthem

2. Opening Prayer

Pastor Seepaul Ram

Full Gospel Victory Faith Outreach Church of Hamilton

3. Presentation:

Painting by Mr. Guenther Wolf - Trevor Hodgson,

Director of Dundas Valley School of Art

*Mary Toplack, Chairman of Dundas Valley
School of Art Alumni*

4. Proclamations:

(a) "Community Health Week"
October 14-21

*Elizabeth Beader, Executive Director
Dr. Gerry Cohen, Medical Doctor
Dan Anderson, Chairman of the Board*

(b) "Waste Reduction Week"
October 17-23

5. Minutes from the meeting held 1994 September 27.

6. Correspondence

7. Reports of the Standing Committees:

- (a) *Transport and Environment Committee*
- (b) *Parks and Recreation Committee*
- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*
- (e) *City of Hamilton Licensing Committee*

8. Notices of Motion for Next Meeting

9. First Reading of the Bills

10. Second Reading of the Bills - Committee of the Whole

11. Third Reading of the Bills

12. Question Period

13. Adjournment.

MINUTES

1994 September 27

Minutes of Hamilton City Council
Tuesday, 1994 September 27
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Jozeph Smal, St. Cyril & Methodius Slovak Roman Catholic Church led Council in prayer.

<p>PRESENTATIONS</p>

Mayor R. M. Morrow presented a Certificate of Recognition to Richard Freedman who was the logo contest winner for the Hamilton Sesquicentennial Committee.

* * * * *

Mayor R. M. Morrow presented a Retirement Certificate to Robert Linger who was employed by the Department of Public Works and retired after 23 years of Service.

PROCLAMATIONS

Mayor R. M. Morrow proclaimed the following:

- (a) "Child Abuse Prevention Month"
- (b) "Ontario Home Week" - September 25 - October 1
- (c) "Lupus Awareness Month" - Month of October
- (d) "Teacher Recognition Day" - October 5
- (e) "Celiac Awareness Week" - October 2 - 8

ADOPTION OF MINUTES

The minutes of the meeting held 1994 August 30 were adopted as circulated.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, and the Nominating Committee, be now considered in Committee of the Whole with Alderman Kiss in the chair.

Recorded vote.

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

Re: Cost sharing arrangements for the clean out of private sewer laterals affected by City tree roots.

It was moved by Alderman Merling and seconded by Alderman Agro that Rule No. 8 of Procedural By-law No. 82-203 be invoked for this meeting of Council in order to permit consideration of a resolution respecting the City's current cost sharing arrangements for the clean out of private sewer laterals affected by City tree roots. **CARRIED.**

* * * * *

Re: Cost sharing arrangements for the clean out of private sewer laterals affected by City tree roots.

It was moved by Alderman Merling and seconded by Alderman Agro that the Twelfth Report of the Transport and Environment Committee for 1994 be amended by adding Section 59 as follows:

59. That the Transport and Environment Committee be requested to review the City's current cost sharing arrangements for the clean out of private sewer laterals affected by City tree roots, as per the Sewer - Street Tree Policy adopted by City Council on 1991 October 29. **CARRIED.**

PARKS AND RECREATION COMMITTEE - FIFTEENTH REPORT

Section 2(a)(i) Re: Selling of alcoholic beverages - Molson Restaurant Three-Pitch League - Globe Park

Recorded vote.

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Jackson. -1.

CARRIED.

Section 5 Re: Challengers Organization - rental fee - Mohawk Sports Park

Recorded vote.

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Wilson -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 2(a)(viii) Re: Bill 163 - Definition of "Minor Variance"

It was moved by Alderman Eisenberger and seconded by Alderman D'Amico that the following be added as Section 2 (a)(viii):

2. (a) (viii) That as part of the changes to the Planning Act, the Province provide a definition of what is a "minor variance".

Recorded vote.

YEAS: Aldermen Kiss, Agro, Eisenberger, D'Amico. -4.

NAYS: Mayor Morrow, Aldermen Cooke, McCulloch, Drury, Copps, Wilson, Agostino, Charters, Jackson, Merling, Anderson. -11. **LOST.**

* * * * *

Section 3 Re: Province of Ontario reconsider decision not to fund the Ontario Home Renewal Programme - Disabled.

It was moved by Alderman Jackson and seconded by Alderman Merling that Section 3 of the Thirteenth Report of the Planning and Development Committee for 1994 be amended by adding the following in the first line following "the Premier of Ontario"; "and the six local M.P.P.'s."

CARRIED.

* * * * *

Section 20 Re: Lot Grading Control with respect to land severance applications creating one, two and three lots.

It was moved by Alderman D'Amico and seconded by Alderman Ross that Rule No. 8 of Procedural By-law No. 82-203 be invoked for this meeting of Council in order to consider a resolution respecting Lot Grading Control with respect to Land Severance Applications Creating One, Two and Three Lots. **CARRIED.**

* * * * *

Section 20 Re: Lot Grading Control with respect to land severance applications creating one, two and three lots.

It was moved by Alderman D'Amico and seconded by Alderman Ross that the Thirteenth Report of the Planning and Development Committee for 1994 be amended by adding Section 20 as follows:

- "20. On land severance applications for one, two, or three lot developments,
- (a) That the Land Division Committee be informed, that the City of Hamilton requires, as a condition of approval of such applications,
 - (i) That the applicant (prior to the granting of Consent to a severance) enter into and register on title to the land being developed a Lot Grading Agreement with the City of Hamilton satisfactory to the Building Commissioner, incorporating the following requirements:
 - (aa) Applicant's engineer to prepare satisfactory to the Building Commissioner and have attached to the Agreement, a detailed grading plan of each separate parcel;
 - (bb) Applicant's payment of the following fees:
 - for grading inspection, a fee of \$153. per parcel;
 - administration fee per agreement \$350.;
 - a refundable security of \$2,000. per parcel, to be refunded when lot grading certified completed;
 - (cc) Agreement to give City of Hamilton an easement to enter the land to complete the approved grading;

- (dd) 1) Grading to be completed by applicant within six months of insulation inspection date or City of Hamilton has right to complete the grading.
 - 2) Security deposit to be released and Lot Grading Agreement discharged once the grading certification has been received and accepted by Building Commissioner.
- (ii) That the applicant's lawyer prepare and register the Lot Grading Agreement incorporating the City of Hamilton's requirements, and the applicant's lawyer shall certify land ownership, registration of the Agreement (and its easement) to the City;
- (iii) That the said Lot Grading Agreement be in addition to any other conditions of the City of Hamilton, its Roads, Planning and other departments submitted to the Land Division Committee.
- (b) Upon notification from the Building Commissioner that the City has received from the applicant's engineer confirmation that the grading, as approved, has been installed,
 - (i) The City Clerk is authorized to execute a discharge of Lot Grading Agreement,
 - (ii) That the balance of the security received by the City not required for enforcement, be refunded to the applicant without interest.
- (c) That the Building Commissioner be directed to submit with the Building Department's annual adjustments to its user fee schedule for Council approval, adjustments, if required, to the fees and security provided for herein.
- (d) That the Building Department staff complement be increased by one Customer Service Representative. This position to remain vacant until revenues are sufficient to fund the costs."

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, McCulloch, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -9.

NAYS: Aldermen Drury, Charters, Merling, Anderson. -4. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - THIRTEENTH REPORT

Section 3 Re: Safe City Sub-Committee

It was moved by Alderman Merling and seconded by Alderman Copps that Section 3 of the Fourteenth Report of the Finance and Administration Committee be referred back with instructions that the Chief Administrative Officer meet with the Status of Women Sub-Committee and the Hamilton Safety Council.

Recorded vote.

YEAS: Aldermen McCulloch, Morelli, Copps, Merling, Anderson, Ross. -6.

NAYS: Mayor Morrow, Aldermen Kiss, Agro, Wilson, Agostino, Charters, Jackson, D'Amico. -8. **LOST.**

* * * * *

Section 3 Re: Safe City Sub-Committee

It was moved by Alderman Ross and seconded by Alderman Jackson that Section 3 of the Fourteenth Report of the Finance and Administration Committee for 1994 be amended by making section 3, Item "(a)" and adding section "(b)" as follows:

"That the Chief Administrative Officer be instructed to meet with the Status of Women Sub-Committee and the Hamilton Safety Council to clarify any potential overlap in the Terms of Reference of the Safe City Sub-Committee." **CARRIED.**

Section 13 Re: Use of funds - Consulting assistance in restructuring

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

* * * * *

Section 20 Re: Bell Canada - location of pay phones

Alderman Wilson declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Wilson is an employee of Bell Canada.

CITY OF HAMILTON LICENSING COMMITTEE - SIXTH REPORT

NOMINATING COMMITTEE - THIRD REPORT

ACTING MAYOR FOR THE MONTH OF OCTOBER, 1994

It was moved by Alderman Cooke and seconded by Alderman Agro that Alderman D. Wilson be appointed Acting Mayor for the month of October, 1994. **CARRIED.**

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, and the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Cooke and seconded by Alderman Agro that the following Bills be now read a first time:

A-61, A-62, A-63, A-64, A-65, A-66, A-67, A-68.

C-47, C-48, C-49.

D-26, D-27, D-28.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that Council move into Committee of the Whole to consider the following Bills, with Alderman Kiss in the chair. (second reading).

A-61, A-62, A-63, A-64, A-65, A-66, A-67, A-68.
C-47, C-48, C-49.
D-26, D-27, D-28.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico. -15.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Agro that the Report of the Committee of the Whole on the following Bills, be adopted:

A-61, A-62, A-63, A-64, A-65, A-66, A-67, A-68.
C-47, C-48, C-49.
D-26, D-27, D-28.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico. -15.

NAYS: -0.

CARRIED.

* * * * *

1994 September 27

It was moved by Alderman Cooke and seconded by Alderman Agro that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-61, A-62, A-63, A-64, A-65, A-66, A-67, A-68.
C-47, C-48, C-49.
D-26, D-27, D-28.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:45 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell
1994 September 27

CORRESPONDENCE

Correspondence:

1. Application dated 1994 September 6 from Primecan Holdings Inc., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" Urban Protected Residential, etc.) District, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent, Hamilton, Ontario.

Recommendation: Be Received.

2. Application dated 1994 August 30 from H. Lee, Hamilton, Ontario for removal of the "H" - Holding provision from the "G-3" (Public Parking Lots) District, for lands located at No. 60 Dalhousie Avenue, Hamilton, Ontario.

Recommendation: Be Received.

3. Application dated 1994 September 16 from N. Jarvic and G. Kugler, Hamilton, Ontario for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations, for property located at Nos. 295 to 303 York Boulevard, Hamilton, Ontario.

Recommendation: Be Received.

4. Application dated 1994 September 20 from N. Clarizio, Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District regulations for Block "1" and for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for Block 2, for lands located at No. 852 Upper Wentworth Street, Hamilton, Ontario.

Recommendation: Be Received.

1994 October 11

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **THIRTEENTH** Report for 1994 and respectfully recommends:

1. (a) That an "Alternate Side Parking" regulation be implemented on East 26th Street between Queensdale Avenue East and Brucedale Avenue East such that parking is prohibited:
 - on the west side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and,
 - on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
- (b) That the City Traffic By-law 89-72 be amended accordingly.
2. (a) That the existing "No Stopping" regulation on the west side of Blake Street which commences at a point 112 feet north of Maplewood Avenue and extends to a point 20 feet northerly therefrom be removed; and,
- (b) That the existing bus stop on the west side of Blake Street immediately north of Maplewood Avenue be deleted; and,
- (c) That the City Traffic By-law 89-72 be amended accordingly.
3. That the existing "Permit Parking" regulation on the south side of Hunter Street West commencing at a point 117 feet east of Ray Street South and extending to a point 22 feet easterly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.

1994 October 11

4.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Ferguson Avenue North commencing at a point 96 feet south of Wood Street East and extending to a point 25 feet southerly therefrom; and,
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Mariano, No. 501 Ferguson Avenue North; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
5.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Strathcona Avenue South commencing at a point 228 feet south of King Street West and extending to a point 27 feet southerly therefrom; and,
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Beryl Larsh, 25 Strathcona Avenue South; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
6.
 - (a) That the existing "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation on the east side of East 27th Street between Halam Avenue and Mackenzie Road be replaced with a "Permit Parking" regulation and that the City Traffic By-law 89-72 be amended accordingly; and,
 - (b) That the Director of Traffic Services be authorized to issue upon request, one parking permit to each of the first 14 abutting residents on a first come, first served basis.
7. That a "Two Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation be implemented on the east side of Neyer Street between Mohawk Road West and Laurier Drive and that the City Traffic By-law 89-72 be amended accordingly.
8. That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on both sides of West 4th Street between Richwill Road and the south end and that the City Traffic By-law 89-72 be amended accordingly.

1994 October 11

9. (a) That the existing residential boulevard parking agreement registered as Instrument No. 124435 to the property at No. 59 Clyde Street be discharged, at the property owner's expense; and,
(b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and,
(c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
10. That the existing By-law entry allowing for a "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the north side of Whitney Avenue from 266 feet east of Leland Street to a point 42 feet easterly therefrom; be rescinded.
11. That a "No Stopping, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the east side of Catharine Street North commencing at a point 214 feet north of Cannon Street East and extending to a point 86 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
12. That the entry in the City Traffic By-law 89-72 allowing for a "No Stopping" regulation on the north side of Aldridge Street commencing at Caledon Avenue and extending to a point 40 feet easterly therefrom, be revised such that the regulation commences at Caledon Avenue and extends to a point 97 feet easterly therefrom.
13. (a) That, in accordance with Section 15(1) of the Police Services Act, 1990, the following persons be appointed as Parking Control Officers:

Anthony Picharel
Charles Corbin

- (b) That the following appointment as a Parking Control Officer be repealed:

Albert Lutz
William McCully

1994 October 11

14. (a) That the portion of Section 61 of the Seventh Report of the Transport and Environment Committee for 1992 adopted by City Council 1992 June 30, which refers to the approval of engineering schedules for Bar-Brock Estates Phase 3, Hamilton, be deleted.
- (b) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"BAR-BROCK ESTATES - PHASE 3", Hamilton
(Revised Schedules "E" and "F")

City's Share \$38,982. Subdivider's Share \$257,882.85

- (c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Bar-Brock Estates - Phase 3", Hamilton and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
- (d) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
- (e) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing; and,
- (f) That the City's share for the costs of services in "Bar-Brock Estates - Phase 3" (\$38,982.) be approved and the Finance and Administration Committee recommend the source of funding for this project.
15. (a) That the following City land be incorporated into the street in order to complete the final street width or to provide access to newly registered subdivision development:

Upper Wentworth Street Parts 1 and 2 Plan 62R-13080

1994 October 11

- (b) That the by-law to carry out the incorporation of the said lands into the foregoing streets be enacted by City Council; and,
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-law.
16. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of the Highridge South Neighbourhood organization, to hold a street party on Peregrine Place from Coopershawk Crescent to the end of Peregrine Place, on Saturday 1994 October 1, from 1:00 o'clock p.m. to 6:00 o'clock p.m., subject to the following conditions:
- (a) That prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and holding the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (d) That all barricading be supplied by and at the expense of the applicant; and,
 - (e) That "Temporary Road Closure" signs be installed in advance by the Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services; and,
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the Region and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

1994 October 11

- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
- 17.
- (a) That an Offer to Purchase, duly executed by Frank Barnes, on 1994 September 19, and scheduled to close on or before 1995 May 31, for the sale of part of Lot 28, Concession 3, in the former Township of Saltfleet, now in the City of Hamilton, having a frontage of 15.23 metres (50.1 feet) more or less, along the northerly limit of King Street East, by a depth of 46.38 metres (152.16 feet) more or less, more specifically described as Part 2 on Plan 62R-3575, together with all structures erected thereon and municipally known as 2787 King Street East, Hamilton, be approved and completed, and the funds derived from this sale of \$100,000. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases); and,
 - (b) That the required deposit cheque is the amount of \$10,000. be held by the City Treasurer pending City Council approval; and,
 - (c) That this Offer to Purchase Agreement be conditional upon the following terms and conditions being satisfied no later than 1995 November 30:
 - i. to relocate the house presently situate on Parts 1 and 2, Plan 62R-3575, municipally known as 2787 King Street East, Hamilton to a location wholly within the limits of Part 2, Plan 62R-3575 in accordance with all municipal zoning and setback stipulations; and,
 - ii. to provide written verification to the City from an accredited Ontario Land Surveyor that the relocation of the house is wholly within the confines of Part 2, Plan 62R-3575; and,
 - iii. to obtain all necessary authorizations and permits from all municipal, provincial or federal authorities having jurisdiction with respect to the Moving Work; and,
 - iv. to provide all necessary barricades, fences, notices, signs or other safety and other security measures to the property during the Moving Work; and,

1994 October 11

- v. to demolish the existing foundation of the house in accordance with all necessary municipal provision. The Purchaser agrees that after the Building has been moved, and before any resulting excavations have been filled, the Purchaser must obtain written approval by the City confirming that the Building has been properly moved (including removal of all resulting rubble); and,
- vi. to within 14 days of issuance of written confirmation stipulated above, the Purchaser shall fill and compact any excavations with clean imported earth or small granular material to within 12 inches of the existing grade of the lands immediately adjacent to such excavations; fill or any other material or the use of any environmentally hazardous material is not permitted; and,
- vii. after the City has reinspected the site and issued written approval for the fill place, the Purchaser shall immediately place and compact 12 inches of imported clean earth level with the existing grade of the lands immediately adjacent to such excavations; and,
- viii. to grade to the original elevation of the ground any elevations or mounds resulting from the Moving Work; and,
- ix. to the removal and proper disposal of all refuse and debris so that Part 1, Plan 62R-3575 is left in a clean, tidy and safe condition; and,
- x. such other work as is necessary or may be reasonably required by the City to complete the safe proper moving of the Building and the restoration of Part 1, 62R-3575 to a clear and level condition; and,
- xi. to employ such duly licensed and qualified agents, contractors and work persons as may be required to complete the Moving Work; and,
- xii. to ensure that any and all agents, contractors and work person employed in connection herewith shall give written notice to the City at least five business days in advance of the commencement dates of:
 - moving of the Building; and,
 - backfilling of any excavated area; and,

1994 October 11

- final backfilling work; and
 - any other stages of the Moving Work of which the City may request to be notified; and,
- xiii. to maintain, at the Purchaser's expense, during the Moving Work, insurance coverage stipulating the Corporation of the City of Hamilton as an additional named insured; and,
- all risks insurance coverage upon property of every kind owned or leased by the Purchaser or for which the Purchaser is legally responsible and which is located on the Property, for the full replacement value thereof; and,
 - public liability and broad form Property damage insurance including personal injury liability, owners protective (independent contractors) premises and operations liability, products and completed operations, non-owned automobile contractual liability, employer's liability and pollution conditions to be met by Private Individuals liability, such coverage to include all Moving Work conducted on the Property, to be written on a comprehensive basis with general liability coverage of not less than Two Million dollars (\$2,000,000.) inclusive per occurrence, and to contain a severability of interests clause and a cross liability clause; and,
 - any other form of insurance that the City, acting reasonably, requires from time to time in form and amounts and for such risks as against which a prudent owner would insure; and,
- xiv. to comply at all times with the provisions of the Construction Lien Act, 1990 or successor legislation and to discharge or vacate from title to the Property all construction liens within 10 days of receiving notice of same; and,
- xv. on or before the Closing Date, to post security for completion of the moving work in the amount of Thirty Thousand dollars (\$30,000.) by certified cheque, money order, irrevocable letter of credit or performance bond; and,

1994 October 11

- xvi. if the Purchaser fails to complete the herein requirements on or before 1995 November 30, then the Vendor shall have the right to enter upon the said lands upon 30 days written notice to the Purchaser, and any such entry by the Vendor shall determine the estate of the Purchaser in the said lands. Notice of the entry may be registered by the Vendor on title to the said lands; and,
 - xvii. upon such entry by the Vendor, the Purchaser at its own cost shall execute and deliver to the Vendor a transfer of the said lands to the Vendor free and clear of all charges, encumbrances, liens, claims, or adverse interests whatsoever, and the Vendor agrees to pay to the Purchaser the original purchase price for the said lands, less the deposit, less the commission paid (if any) by the Vendor to a real estate agent; less arrears of realty taxes, penalty and interest (including local improvement charges), less amounts required to discharge any mortgages, liens, charges or other encumbrances against the said lands and less the costs of the Vendor incurred in entering on the land and retaking and reselling the land and without increase or compensation for any improvements, additions, alterations in, on or under the said lands; and,
- (d) That it is understood and agreed:
- i. that the City consents to the Purchaser applying for a minor variance of the lands being sold as the Purchaser determines necessary to allow for the relocation of the house presently situated on Parts 1 and 2, Plan 62R-3575, municipally known as 2787 King Street East, Hamilton to a location wholly within the limits of Part 2, Plan 62R-3575; and,
 - ii. that if the minor variance as set out above has not been completed by 1995 January 17, then this Offer shall be null and void and the deposit shall be returned to the purchaser without interest; and,
 - iii. that the Purchaser acknowledges that in approving this Offer the City does not fetter the discretion of the Committee of Adjustments to decide whether to approve the minor variance as set above; and,
- (e) That the existing Lease between the City of Hamilton and Robert and Gail Moore be terminated by the City upon 120 days written notification effective 1995 February 1; and,

1994 October 11

- (f) That the City Solicitor be authorized and directed to prepare the necessary Notice of Termination of the Lease; and,
 - (g) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
18. That City Council enact the by-law to authorize the alteration of Stuart Street between Bay and MacNab Streets by narrowing the travelled portion of the roadway from 13.0 m to between 7.0 m and 12.0 m.
19. That approval be given to the actions of the Acting Director of Public Works in authorizing the Regional Commissioner of Transportation/Environmental Services to award a contract for the initiation of sidewalk reconstruction projects forming part of the Canada/Ontario Infrastructure Works, recognizing that the action control price is over the original estimate.
20. (a) That the Finance and Administration Committee recommend the source of funding for the additional financing required in the amount of \$8,600. for the City's Share of the local improvement for the construction of a combined sidewalk and curb on the south side of Brock Street from John Street North to approximately 24 m east of Hughson Street North; and,
- (b) That the Acting Director of Public Works be directed to amend the applicable By-law for this project.
21. That the Senior Director of the Regional Roads Department and the Acting Director of Public Works be authorized to allocate appropriate sites for the disposal of snow from municipal winter operations.
22. That the Chief Administrative Officer and all Municipal Departments be directed to reinforce the mandate of the Transport and Environment Committee respecting environmental issues within the City of Hamilton, through improved working relationships with all appropriate public and private sector agencies and through effective reporting on environmental issues to the Transport and Environment Committee.
23. That the Transport and Environment Committee be authorized to strike a Sub-Committee consisting of Alderman H. Merling, Alderman B. Morelli, Alderman D. Wilson and Alderman F. Eisenberger to deal with the issue of environmental air quality in the City of Hamilton.

1994 October 11

- 24. (a) That parking be prohibited on the east side of Donegal Place from Limeridge Road to the south property line of No. 7 Donegal Place; and,
- (b) That the City Traffic By-law 89-72 be amended accordingly.
- 25. That leave be granted to introduce the following Bills:
 - (a) A-69 A By-law to Alter Stuart Street between Bay Street North and MacNab Street North by Narrowing the Pavement
 - (b) A-70 A By-law to Incorporate Block 5, Plan 62M-721 Designated as Parts 1 and 2 on Plan 62R-13080 into Upper Wentworth Street
 - (c) A-71 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (d) A-72 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1994 October 3

1994 October 11

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SIXTEENTH** Report for 1994 and respectfully recommends:

1. (a) That the Capital allocation for the Inch Park Arena Renovations and Additions be increased from \$1,739,000. (Account CF 709441024) to \$2,000,000. based on a cost estimate of a design option preferred by the Community and the End User Committee which provides a better long term usage and function of the renovated/expanded facility; and,

 (b) That the Finance and Administration Committee recommend the method of financing; and,

 (c) That the staff be authorized to tender the project as soon as construction and tender documents are completed to fast track construction and reopen the facility by the first week of October 1995.
2. (a) That the Capital allocation for the Parkdale Arena Renovations and Additions be increased from \$1,739,000. (Account CF 709441023) to \$2,000,000. based on a cost estimate of a design option preferred by the Community and the End User Committee which provides a better long term usage and function of the renovated/expanded facility; and,

 (b) That the Finance and Administration Committee recommend the method of financing; and,

 (c) That the staff be authorized to tender the project as soon as construction and tender documents are completed to fast track construction and reopen the facility by the first week of October 1995.

1994 October 11

3. (a) That a one time approval be given to proceed with the ordering and installation of creative play structures located at Glow Park and Central Park, in advance of the respective fundraising obligations being remitted to the City; and,
- (b) That this approval not be referenced as a precedent for future projects; and,
- (c) That this request be forwarded to the Capital Budget Sub-Committee and Management Team for review and recommendation for consideration by the Finance and Administration Committee; and,
- (d) That the Finance and Administration Committee be requested to recommend an alternative means of financing; and,
- (e) That, if approved, upon remittance of the groups' monetary responsibilities, these funds be deposited to that account identified to finance these projects.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1994 October 4

1994 October 11

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1994 and respectfully recommends:

1. That approval be given to amended Zoning Application 94-17, Frank Ricci, prospective owner, requesting a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "DE-3" (Multiple Dwellings) District, to permit the use of the subject land for a Residential Care Facility (retirement home) for 20 residents, for property located at 2535 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 10C.(1)(i) of Zoning By-law No. 6593, a residential care facility for the accommodation of a maximum of 20 residents being qualified Senior Citizens shall be permitted; and,
 - (ii) That a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line; and,
 - b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1334, and that the subject lands on Zoning District Map E-96 be noted S - 1334; and,

1994 October 11

- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-96 for presentation to City Council; and,
 - d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That approval be given to Zoning Application 94-23, Mike Jovanovic, owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit business and professional offices, including medical, within the existing building, for lands located at No. 2826 King Street East, as shown on the attached map marked as APPENDIX "B", on the following basis:
- a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulation as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 87-40, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 14A(1) of Zoning By-law No. 6593, business and professional offices shall be permitted only within the existing building; and,
 - b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1002a and that the subject lands of Zoning District Map E-106 be noted S - 1002a; and,
 - c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council; and,
 - d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. (a) That City Council reaffirm its decision of 1994 July 26 to deny the application for an Official Plan Amendment for lands owned by Chedoke Health Corporation, Mountview Neighbourhood; and,

1994 October 11

- (b) That the Regional Municipality of Hamilton-Wentworth be advised of Council's decision.
- 4. That the City of Hamilton accept the sum of \$18,000. as cash payment in lieu of the 5% land dedication in connection with "Sheldon Estates", Hamilton, this being the cash payment required under Section 51 of the Planning Act. The lands of "Sheldon Estates" are located east of Garth Street on the south side of Stone Church Road West in the Sheldon Planning Neighbourhood.
- 5. That the Building Commissioner be authorized to issue a demolition permit for 761 West 5th Street.
- 6. That the appropriate staff (e.g. Law, Planning) be authorized to attend the following Ontario Municipal Board hearings regarding appeals from Committee of Adjustment decisions:

Application No. A-94:24 - 366 and 368 King Street West

Application No. A-94:81 - 132 Albany Avenue

Application No. A-94:86 - 170 and 172 Simcoe Street East

Application No. A-94:155 - 86 Ward Avenue

- 7. That leave be granted to introduce the following Bills:
 - (a) C-50 A By-law to amend By-law No. 93-167 regarding Building Permit Fees
 - (b) C-51 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 89-82 respecting land located at Municipal No. 60 Dalhousie Avenue
 - (c) C-52 A By-law to remove land within the Rymal Estates Subdivision, Plan 62M-679 from Part Lot Control
 - (d) C-53 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 925 Main Street West

1994 October 11

- (e) C-54 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 87-40 respecting lands located at Municipal No. 2826 King Street East

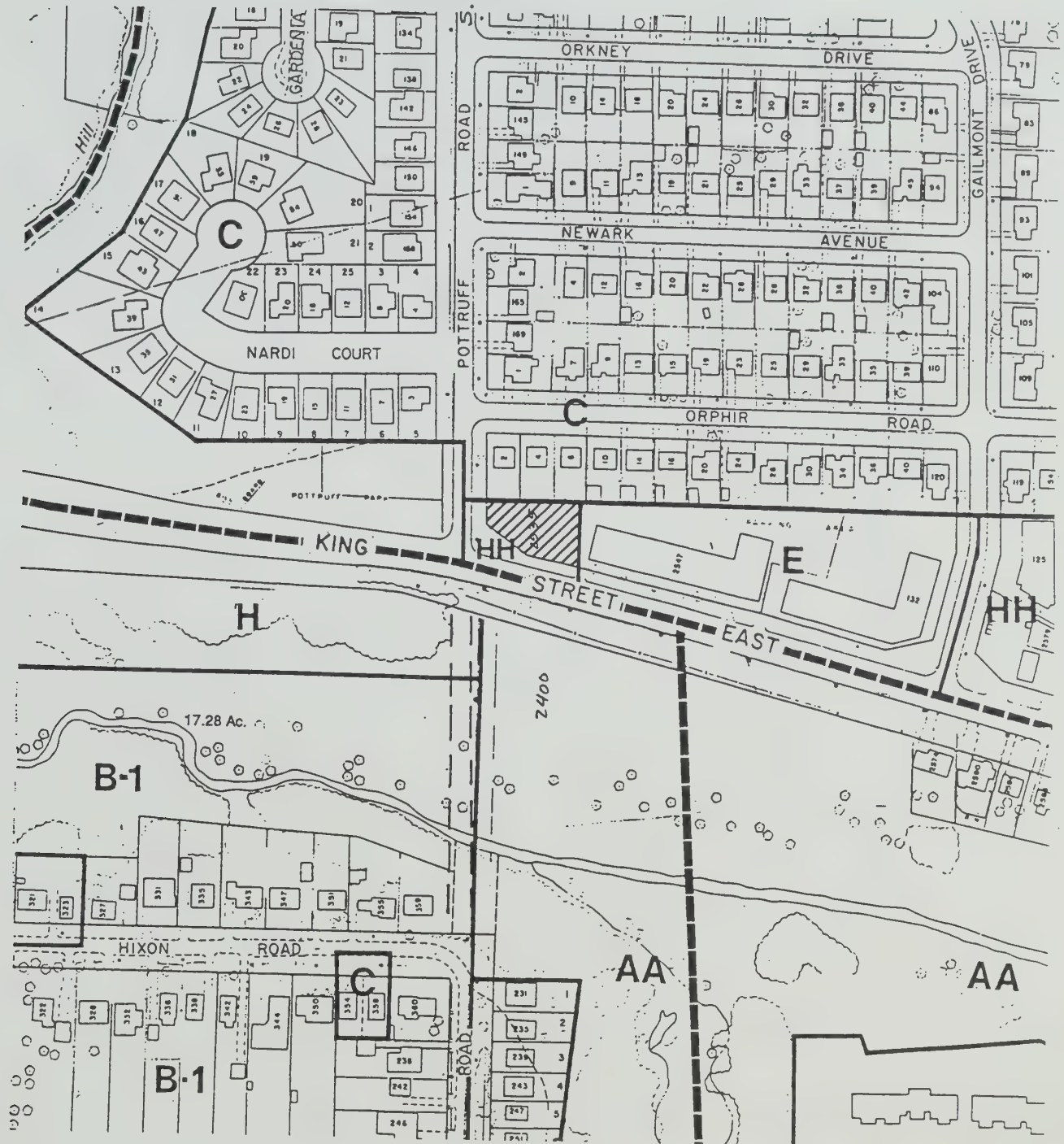
Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Charlene Touzel
Secretary**

1994 October 5

1994 October 11



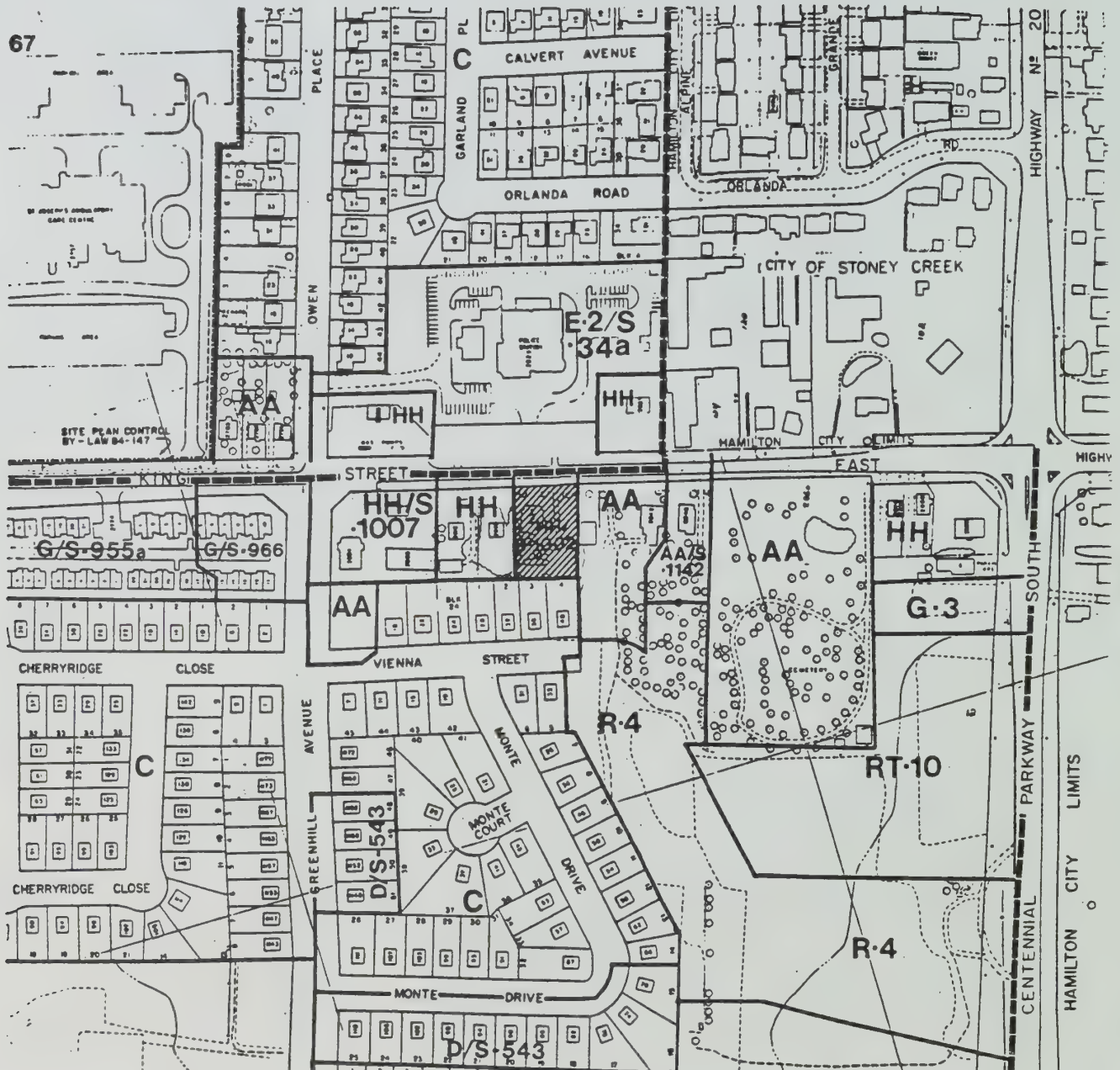
Legend



Site of the Application

ZAC-94-17

1994 October 11



Legend



Site of the Application

C-6

ZAR-94-23

1994 October 11

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FIFTEENTH** Report for 1994 and respectfully recommends:

1. That a purchase order be issued to Altruck Transportation, Hamilton, in the amount of \$114,767.70, all applicable taxes included, for the purchase of One (1) 54,000 LB. GVW Chassis with Two-Way Sander Body and Underslung Reversible Plow for Fleet Services, being the lowest of two tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
2. That a purchase order be issued to Regional Ford, Puslinch, in the amount of \$64,630., all applicable taxes included, for the purchase of One (1) Backhoe Loader for Fleet Services, being the lowest of three tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
3. That approval be given to the action taken by the City Clerk in authorizing the Project Development Branch of the Ontario Realty Corporation to use the second floor foyer (west end) from 1994 September 16 - 30 to display a model of the New Hamilton Court House.
4. That approval be given to the action taken by the City Clerk in authorizing the Fountain Foundation to use the second floor foyer (west end) from 1994 October 3 - 24 to display a model of the Gore Park Fountain and related information.
5.
 - (a) That approval be given to the action taken by the City Clerk in authorizing the Hamilton Aids Network to use the forecourt on Friday, 1994 September 23, from 5:00 to 6:00 p.m. for a Rally to support drug funding for persons living with HIV and Aids; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.

1994 October 11

6.
 - (a) That approval be given to the request of the Hamilton and District Council of Women to place a pictorial display on the second floor foyer at City Hall, for the week of 1994 October 17-21, during Womens' History Month;
 - (b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.
7. That as referred to in Section 14 of the Thirteenth Report for 1994 of the Transport and Environment Committee, the City's share of "Bar-Brock Estates - Phase 3" Servicing, at a cost of \$38,982., be financed from Centre No. CH 00107 - "Reserve for Services Through Unsubdivided Lands".
8. That as referred to in Section 20 of the Thirteenth Report for 1994 of the Transport and Environment Committee, the additional financing required in the amount of \$8,600. for the City's share of the local improvement for the construction of a combined sidewalk and curb on the south side of Brock Street from John Street North to approximately 24 m east of Hughson Street North be financed from the 1994 Capital Levy Account Centre No. CH 22002.
9.
 - (a) That approval be given to issue a purchase order to Superior Boiler Works and Welding Ltd. in the amount of \$128,854.75 for the replacement of the boilers at Westmount Recreation Centre and Mountain Arena, this being the lowest tender received, in accordance with specifications issued by the Purchasing Department; and,
 - (b) That contracts be entered into satisfactory to the City Solicitor; and,
 - (c) That as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."
10. That the listing of Appointments To and Terminations From Permanent positions with the Corporation of the City of Hamilton to 1994 September 28, attached herewith and marked Appendix "A", be approved.

11.
 - (a) That the Mayor and City Clerk be authorized to execute agreements with Andersen Consulting of Etobicoke, and Compass Analysis of Kitchener to perform the Operational review of the Information Systems Department, based on their joint proposal dated 1994 June 30th; and,
 - (b) That purchase orders be issued to Andersen Consulting with an upset limit of \$54,000. and to Compass Analysis with an upset limit of \$45,000. to perform the Study (total cost \$100,000.); and,
 - (c) That the Region be advised of their share (\$50,000.) of the Study; and,
 - (d) That these recommendations be forwarded via Regional Council to the Administrative Services Committee for their information.
12.
 - (a) That as referred to in Sections 1 and 2 of the Sixteenth Report for 1994 of the Parks and Recreation Committee, the Parkdale Arena Retrofit Project for \$1,739,000., originally approved as part of the 1994 -2003 Capital Budget, be increased to \$2,000,000., and the Inch Park Arena Retrofit Project for \$1,739,000., originally approved as part of the 1994 - 2003 Capital Budget, be increased to \$2,000,000.; and,
 - (b) That the total increased cost in the amount of \$522,000. for these two projects be financed as follows: \$227,000. from the 1994 Capital Contingency Reserve for Capital Projects, Account Centre No. CH 00203 (all the funds remaining within that account) and the balance of \$295,000. through the issuance of debentures, with the additional funding to be split between the two projects; and,
 - (c) That the City Solicitor be authorized to prepare the appropriate by-laws for these two projects requiring debenture financing for approval of City Council.

13. That Section 15 of the Thirteenth Report for 1994 of the Finance and Administration Committee, approved by City Council on 1994 August 30, authorizing the sale of 290 - 296 Victoria Avenue North to International Managed Health Care Inc., for the sum of \$340,000. be deleted in its entirety, and replaced by the following in lieu thereof:
- (a) That the City's property known as 290-296 Victoria Avenue North be placed under the administration of the Parking Authority of the City of Hamilton and that the sum of \$340,000. be transferred from Account No. CF 5698 909345006 (Land Acquisition - General) and credited to Account No. CH 4X501 00102 (Sale of Land - Property Purchases). Subject lands are to be used for a municipal parking lot, and are more particularly described as all of Lots 4 and 5, part of Lot 6, Registered Plan 33, in the City of Hamilton, containing 1,449.7 square metres (.358 acre) more or less; and,
 - (b) That the Parking Authority of the City of Hamilton will clear and develop the site at their expense.
14. (a) That an Option to Purchase Agreement, scheduled for closing on or before 1995 February 15, for the conveyance by the Regional Municipality of Hamilton-Wentworth of Lots 8 to 11 inclusive, and Block 12 (subject to an easement in favour of Trans Canada Pipeline Ltd.), Plan 62M-658 on Dartnall Road, to the City of Hamilton, for the nominal sum of \$1., said parcel having a frontage of 151.4 metres (496.72 feet) more or less, along the easterly limit of Dartnall Road, by a depth of 102.330 metres/100.347 metres (335.728 feet/329.222 feet) more or less, and containing an area of 1.536 hectares (3.795 acres), be approved and completed; and,
- (b) That this Option to Purchase Agreement be subject to the following terms and conditions which form a part of this Agreement:

Schedule "A"

- (i) The Region and the City acknowledge and agree that the land being sold by the Region to the City for the sum of \$1. is a portion of a larger (50.9 acre) parcel (Parts 1 and 3, Plan 62R-4932) of land deeded by the City to the Region on 1981 December 1, by Instrument No. 326987 A. B. on the following terms:

1994 October 11

- (1) The Region shall acquire additional adjacent land (about 6.5 acres - which land has been acquired) and then offer for sale as non-residential development its adjacent land and the former City land (together, hereinafter referred to as the "site");
- (2) The City and the Region will establish the value of their respective lands at an agreed upon date, namely 1978 June 30, based upon acquisition costs plus reasonable carrying charges. Based on these figures, a percentage ownership figure in the overall development (the site) will be determined;
- (3) The costs of the City and the Region as of the said agreed upon date of 1978 June 30, are as follows:

	<u>Total Costs</u>	<u>Percentage</u>
City of Hamilton	\$1,571,366.93	92.62 %
Regional Municipality of Hamilton-Wentworth	\$ 125,211.60	7.38 %
<hr/>		
Site Costs	\$1,696,578.53	100 %

- (4) The City owned lands will then be transferred to the Region. (This was carried out by Deed 326987 A.B. referred to above). The Region will then undertake to service and develop and then sell the lands (the site) as an industrial subdivision;
 - (5) Upon the sale of these lands (the site), initially all servicing and development costs incurred in bringing this subdivision on stream will be paid. Once these costs are fully paid, then all further revenues will be split between the City and the Region, based on the above calculated percentage ownership formula;
- (ii) The City accepts this Option to Purchase the subject land (Lots 8 to 11 inclusive and Block 12, Plan 62M-658) from the Region and both parties agree that the value of the subject land is \$342,000. and that 7.38% of this land value may be deducted from the City's net sale proceeds of the balance of the site sales in order to re-imburse the Region for the portion of this property sale that would have been received by the Region had the subject land been sold to a third party;

1994 October 11

- (iii) The parties also agree that as the above financial terms apply to matters and adjustments between the two parties arising both before and after the completion of this particular lot sale to the City of Hamilton, that these financial terms acknowledged and agreed upon herein, shall not merge on closing of this particular lot sale, but shall continue in full force and effect between the parties;
- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
15. (a) That the following reclassifications in the Building Department be approved as follows:

<u>Job Title</u>	<u>Summary of Duties</u>	<u>From</u>	<u>To</u>
Mgr. of Administration	Monitor and review all procedures and policies related to the administration, operation and budget planning of the Dept. Make recommendations and co-ordinate implementation of same.	"M" \$40,640. - \$47,819.	"K" \$47,412. - \$55,811.
Administrative Asst II	Provide confidential secretarial services to the Building Commissioner. Perform as senior secretary in Building Department.	"P" \$31,563. - \$37,117.	"O" \$34,001. - \$39,962.

- (b) That these reclassifications be retroactive to 1994 March 9, which is the date new duties were assumed as a result of the department's restructuring process.

1994 October 11

16.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) 853/93 by the payment to the Plaintiffs, Eunice and Bernard Curley, of the sum of \$24,308.70 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 853/93 be dismissed without costs.
17.
 - (a) That the Corporation of the City of Hamilton accept the proposal submitted by Westcoast Gas Services Inc. for the supply of natural gas on a direct purchase basis to all City owned buildings at a price of \$1.65/Gigajoule for the period 1994 November 1 - 1995 October 31 and at \$1.74/Gigajoule for the period 1995 November 1 - 1996 October 31. This being the lowest of eight proposals received in accordance with specifications issued by the Purchasing Department; and,
 - (b) That contracts be entered into in a form satisfactory to the City Solicitor; and,
 - (c) That as time is of the essence, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."
18. That a purchase order be issued to Douglas Construction Co. Caledonia, in the amount of \$62,595., including G.S.T., for the electrical/mechanical retrofit of the Main & Norfolk Fire Station, being the lowest of two tenders received in accordance with specifications issued by the Purchasing Department.
19.
 - (a) That the City purchase a 1/4 page space in the 1995 Greater Hamilton Business Directory and Buyer's Guide for a Message of Greeting and promotion for the City's 1996 Sesquicentennial Celebrations, at a cost not to exceed \$700.; and,
 - (b) That funds for this purchase be derived from the City's Advertising Account Number CH 56302 12001.
20. That all Standing Committees and City Council meetings from 1994 October 31st to November 30th be cancelled.

1994 October 11

21. That leave be granted to introduce the following Bill:

D-29 A By-Law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully Submitted,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder, Secretary
1994 October 6**

Appendix "A" referred
to in Section 10 of the
FIFTEENTH Report of the
Finance and Administration
Committee for 1994.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. John Brimer	I	Events Electrical/ Electrical Technician (13)	Central Utilities Plant	New Position Council Approved June 28/94	\$45,219.20	April 01/92
Ms. Donna Clague	I	Administrative Assistant III (P)	Building	Replacing Mr. P. Harper - retired, Nov. 30/93	\$31,563.48 to \$37,117.60	Aug. 08/94
Mr. Larry Crooker	I	Sanitation Worker (DISG)	Public Works	Replacing Mr. J. Weber - returned to former position, Aug. 15/94	\$36,670.40	Aug. 31/94
Ms. Cathryn Edmonds	I	Collections Clerk (15)	Treasury	Additional Staff - approved by Council June 28, 1994	\$33,644.52 to \$38,230.92	Sept. 05/94
Mr. Robert Hayes	I	Senior Property Officer (24)	Real Estate	Replacing Mr. A. Cipriani - retired, Nov. 30/94	\$43,233.84 to \$49,130.64	Aug. 29/94
Mr. Erik Hess	E	Parks Development Superintendent (I)	Public Works	Replacing Mr. W. Pheal - promoted Jan. 03/94	\$53,779.96 to \$63,398.40	Sept. 19/94

Prepared September 28/94

Studies	
Internal - I	
External - E	

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>N/ME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Lora LeBlanc	I	Caretaker (6-D)	Property	Replacing Mr. T. Mountain - promoted, May 16/94	\$27,839.24 to \$30,258.80	Aug. 22/94
Mr. Craig Martin	E	Gardener II (D-14)	Public Works	Replacing Mr. S. Abbott - promoted, June 27/94	\$36,052.64	Sept. 06/94
Mr. Lorne McArthur	E	Gardener II (D-14)	Public Works	Replacing Mr. J. Green - promoted, Aug. 22/94	\$36,052.64	Sept. 06/94
Ms. Sheila Munday	I	Gardener I (D-17)	Public Works	Replacing Mr. P. D'Ambrosio - retired, Dec. 31/93	\$36,385.44 to \$42,005.60	July 11/94
Mr. Tullio Pianegonda	I	Signs Markings Specialist (11-C)	Traffic	Replacing Mr. A. Gaudet - retired, June 30/94	\$28,956.20 to \$31,989.88	Sept. 19/94
Mr. Mirosław Rychlik	E	Gardener II (D-14)	Public Works	Replacing Mr. E. Carreiro - retired, Dec. 31/93	\$36,052.64	Aug. 22/94

Prepared September 28/94

Status

Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Nello Viola	E	Gardener II (D-14)	Public Works	Replacing Mr. K. Rirmand - promoted, June 13/94	\$36,052.64	Aug. 15/94
Mr. John Willard	I	Lead Hand/Truck Driver (D-17)	Public Works	Replacing Mr. J. Keenan - resigned, April 04/94	\$37,146.72	Sept. 05/94

Prepared September 28/94

Status

 Internal - I
 External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Gunther Ahrens	Labourer	Public Works	Terminated	21 years, 2 months	Aug. 24/94
Mr. Jack Dickson	Caretaker	Property	Terminated	10 months	Aug. 19/94
Ms. Gloria Garvin	Catering Clerk/Typist	Convention Centre	Resigned	5 years, 4 months	Aug. 16/94
Ms. Betty Goddard	Secretary-Manager Food/Beverage	Convention Centre	Retired	17 years, 1 month	Aug. 31/94
Ms. Patty Ann Smith	Accounting Clerk	Copps Coliseum	Terminated	7 years, 2 months	Sept. 16/94

Prepared September 28/94

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

CITY OF HAMILTON LICENSING COMMITTEE

REPORT TO FOLLOW

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1994 OCTOBER 11
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

**TO ALTER STUART STREET BETWEEN BAY STREET NORTH
AND MACNAB STREET NORTH BY NARROWING THE PAVEMENT**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

AND WHEREAS the portion of highway known as Stuart Street is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 38 of the 11th Report of the Transport and Environment Committee on August 30, 1994, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Stuart Street as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said temporary closure has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

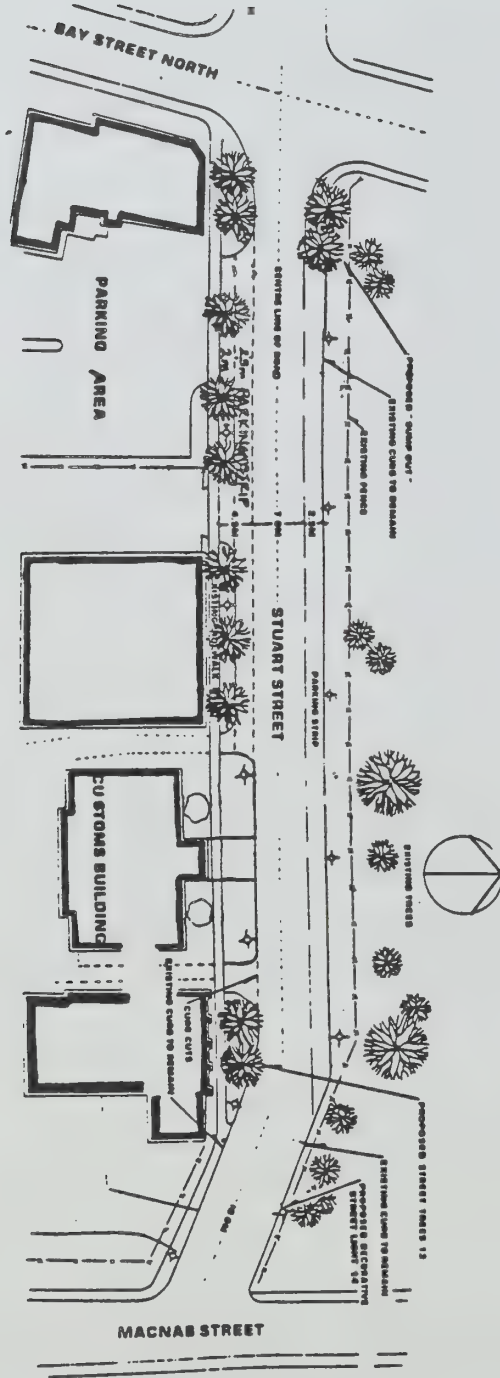
1. That the alterations be approved and carried out to Stuart Street between Bay Street North and MacNab Street North, for the purpose of narrowing the travelled portion of the said street, as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this day of , 1994.

CITY CLERK

MAYOR

SCHEDULE "A"



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

**TO INCORPORATE BLOCK 5, PLAN 62M-721
DESIGNATED AS PARTS 1 AND 2, ON PLAN 62R-13080
INTO UPPER WENTWORTH STREET**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Upper Wentworth Street incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Wentworth Street.

Parts of Block 5, Plan 62M-721, designated as Parts 1 and 2, on Plan 62R-13080.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 29 (No Stopping Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

Aldridge	North	Caledon to 97 feet east	Anytime	
Catharine	East	commencing at a point 214 feet north of Cannon to a point 86 feet northerly therefrom	8:00 a.m. to 5:00 p.m.	Mon to Fri.

and by deleting therefrom the following items, namely:-

Blake	West	112 feet north of Maplewood to a point 20 feet northerly therefrom	Anytime
Aldridge	North	Caledon to 40 feet east	Anytime

2. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by deleting therefrom the following item, namely:-

"Whitney	North	42 feet	commencing at a point 266 feet east of Leland	8:00 a.m. - 5:00 p.m. Monday to Friday".
----------	-------	---------	--	---

PASSED this day of A.D. 1994.

CITY CLERK

MAYOR

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Donegal	East	Limeridge to 108 feet south	Anytime".
----------	------	-----------------------------	-----------

2. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following item, namely:-

"East 26th	West	East".
Queensdale to Brucedale		

3. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Ferguson	West	commencing at a point 96 feet south of Wood to a point 25 feet southerly therefrom	Anytime
Strathcona	East	commencing at a point 228 feet south of King to a point 27 feet southerly therefrom	Anytime
East 27th	East	Halam to MacKenzie	Anytime".

and by deleting therefrom the following item, namely:-

"Hunter	South	commencing 117 feet east of Ray to a point 22 feet easterly therefrom	Anytime"
---------	-------	---	----------

4. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following items, namely:-

"Neyer	East	Mohawk to Laurier	2 hr	8 am - 8 am (24 hrs)	Mon - Sun
West 4th	Both	Richwill to the south	1 hr	8 am - 4 pm	Mon - Fri
		end			

and by deleting therefrom the following item, namely:-

"East 27th	East	Halam to MacKenzie	1 hr	8 am - 8 am (24 hrs)	Mon - Sun
------------	------	--------------------	------	----------------------	-----------

5. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended by deleting from the OUTBOUND Column the following item, namely:-

"Blake at Maplewood".

PASSED this

day of

A.D. 1994.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend

By-law No. 93-167

Regarding

BUILDING PERMIT FEES

WHEREAS By-law 93-167 was enacted on the 27th day of July 1993 concerning Building Permit Fees.

AND WHEREAS City Council, on November 30, 1993, in adopting Item 7 of the 18th Report of the Planning and Development Committee authorized the addition of a Permit Class for the installation of siding on a single family dwelling;

AND WHEREAS City Council, on the 28th day of June, in adopting Item 6 of the 10th Report of the Planning and Development Committee authorized an amendment to paragraph 5 of Schedule "A";

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" of By-law No. 93-167 is amended by adding the following Class of Permit.

CLASS OF PERMIT**FEE**

- | | |
|--|---------|
| 10. Permit for installation of siding for single family dwelling | \$75.00 |
|--|---------|

2. Paragraph 5 of Schedule "A" of By-law No. 93-167 is repealed and replaced by the following:

5. Permit for the installation of a tent

- | | |
|--|-------|
| (i) where the area of a single tent is 56m ² (603 square feet) or less, and not more than two tents on a site | \$25. |
| (ii) where the area of a single tent exceeds 56m ² (603 square feet), and not more than two tents on a site | \$40. |

- | | |
|--|--|
| (iii) where more than two tents are on a site | Basic fee of \$40. plus an amount calculated at the rate of \$9. per each \$1,000. or part thereof of the cost or valuation of construction in excess of the first \$10,000. |
| (iv) where tents are erected on City owned property for a civic function | \$0. |

3. By-law No. 93-265 is hereby repealed.

PASSED this day of , 1994.

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 6, June 28

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 89-82

Respecting:

LAND LOCATED AT MUNICIPAL NO. 60 DALHOUSIE AVENUE

WHEREAS By-law No. 89-82, passed by the Council of The Corporation of the City of Hamilton on the 28th day of February 1989, rezoned the above-captioned lands from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G-3" - 'H' (Public Parking Lots - Holding) District, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS section 2 of By-law No. 89-82 provides that upon the applicant/owner applying for and receiving approval of a Site Plan, the 'H' symbol shall be removed by amendment to By-law No. 89-82;

AND WHEREAS the applicant has applied for and received approval of Site Plan Control Application DA-89-83 on the 24th day of November 1989;

AND WHEREAS this by-law does not conflict with the intent of the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item 16 of the 13th Report of the Planning and Development Committee at its meeting held on the 27th day of September 1994, directed that By-law No. 89-82 be amended to remove the 'H' (Holding) symbol in respect of the above lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 89-82, passed on the 28th day of February 1989, to the "G-3" - 'H' (Public Parking Lots - Holding) District designation of the land, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 89-82 and forming part thereof, is hereby removed, and the development of the land may proceed in accordance with the "G-3" District provisions of Zoning By-law No. 6593.

2. Sheet No. E-43 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1 of By-law No. 89-82, is further amended by changing from "G-3" - 'H' (Public Parking Lots- Holding) District to "G-3" (Public Parking Lots) District the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law.

PASSED this day of

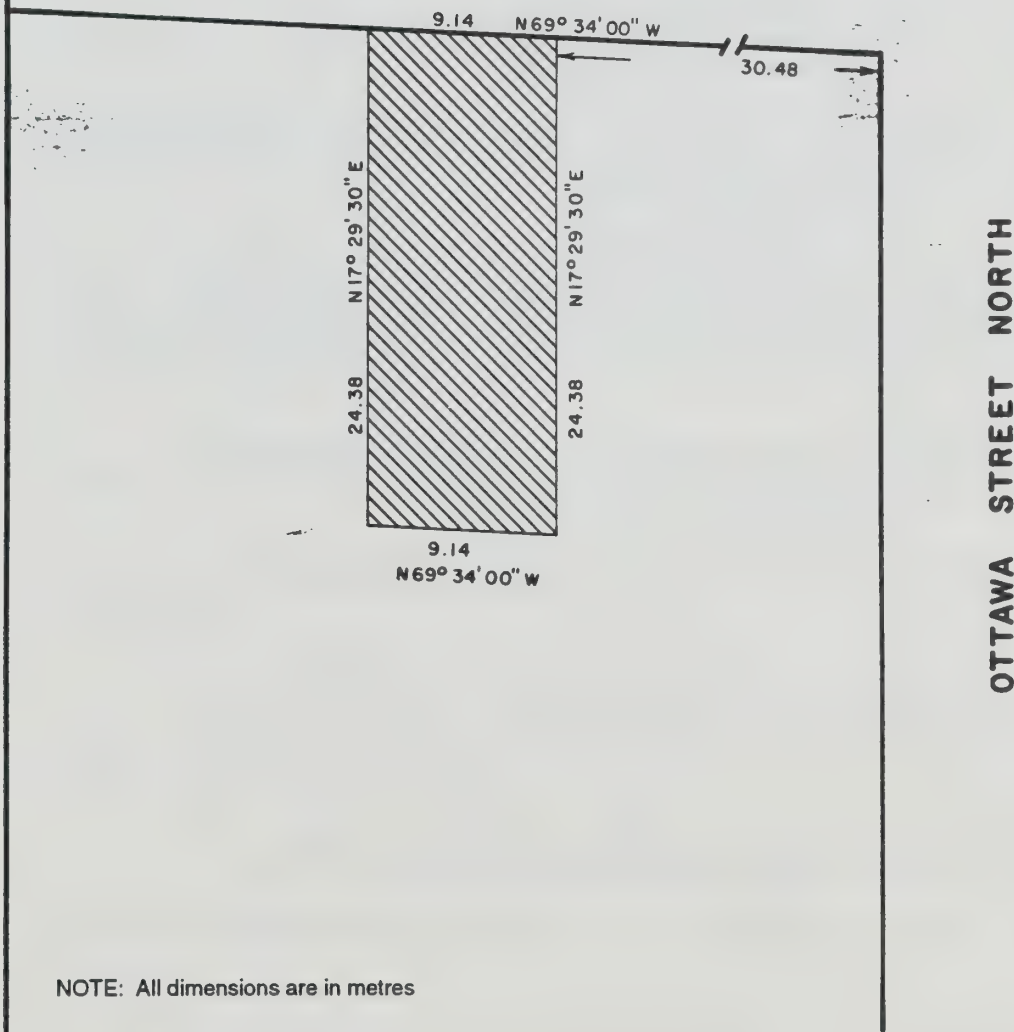
A.D. 1994

CITY CLERK

MAYOR

(1994) 13 R.P.D.C. 16, September 27
Mrs. Hyesoon Lee, Owner
ZAR-94-24

DALHOUSIE AVENUE



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 94-.....

North



Scale
Not to Scale

Date
SEPTEMBER 1994

Reference File No.

ZA-94-24

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

**To Remove
Land within the Rymal Estates Subdivision, Plan 62M-679
from Part Lot Control**

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . . ;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lots 56-65 inclusive, within Registered Plan Number 62M-679, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law is subject to the approval of the Council of the Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED

this day of

A.D. 1994.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1994.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NO. 925 MAIN STREET WEST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-33 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 14 (1) of By-law No. 6593, only the existing parking area shall be permitted on the subject lands at the date of the passing of this by-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1331.

5. Sheet No. W-33 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1331.

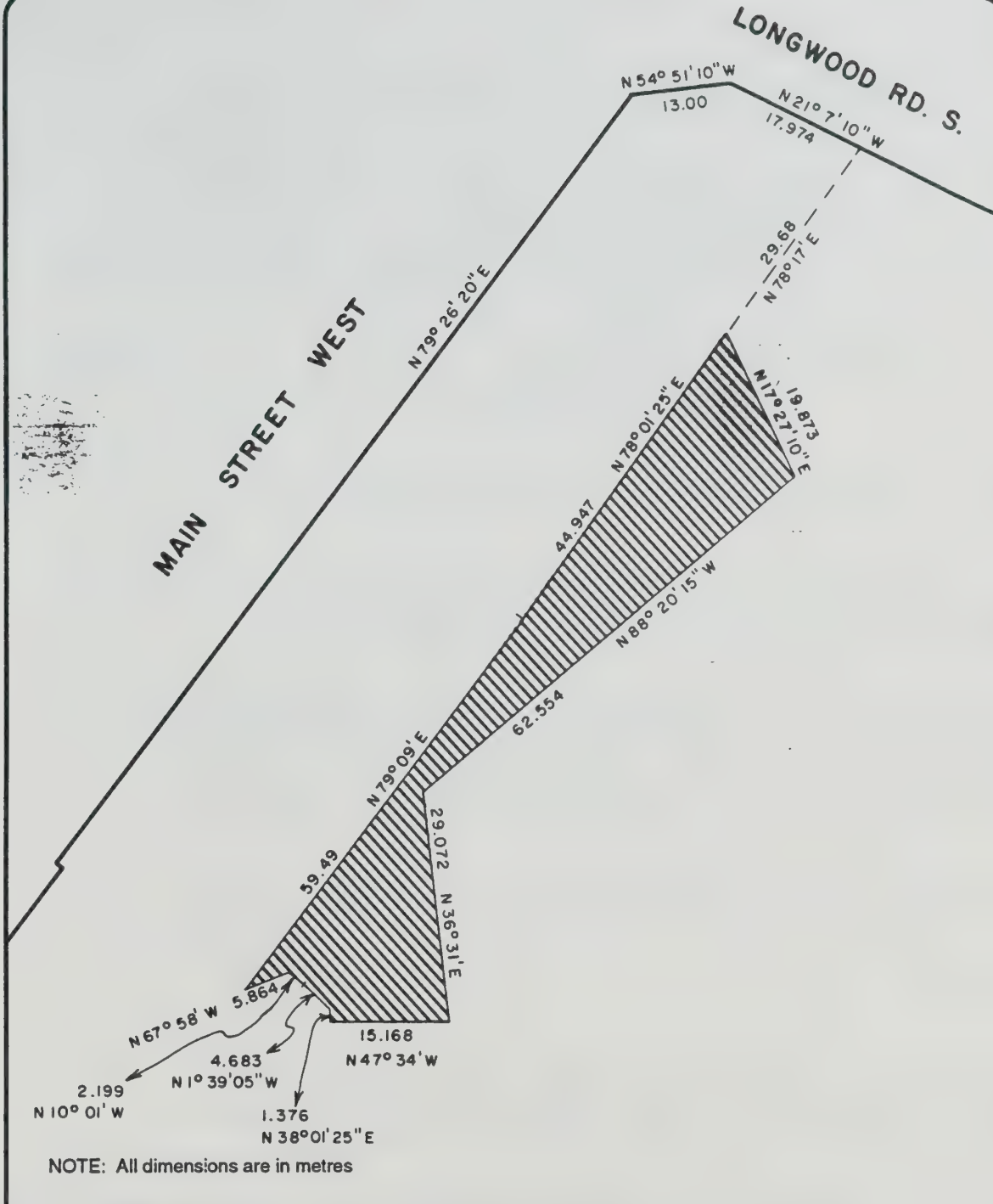
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1994

CITY CLERK

MAYOR

(1994) 12 R.P.D.C. 1, August 30
John Lecluse, In Trust, Prospective Owner
ZAC-94-10



This is Schedule "A" to By-Law No. 94-.....
 Passed the day of, 1994.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 94-.....
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

Change in zoning from:



"E" (Multiple Dwellings, Lodges, Clubs,
 etc.) District to "H" (Community Shopping
 and Commercial, etc.) District, modified.

North



Scale
 Not to Scale

Date
 AUGUST 1994

Reference File No.
 ZAC-94-10

Drawn By
 Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593
As Amended By By-law No. 87-40

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 2826 KING STREET EAST

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-40 on the 10th day of February 1987 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 2826 King Street East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A" which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 87-40, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended to the extent only of the special requirement that:

(a) section 2.(a)(i) of By-law No. 87-40 is amended by:

(i) replacing "USE" with "USES" in the first line thereof; and,

(ii) adding a new paragraph 2.(a)(i) 2., at the end of the section, to read as follows:

"2. Business and professional offices, within the building existing on the day of the passing of this by-law."

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2. of By-law No. 87-40 and section 1. of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1002a.

4. Sheet No. E-106 of the District Maps, appended to and forming part of By-law No. 6593, is amended by marking the lands referred to in section 1. of By-law No. 87-40 and section 1. of this by-law, S-1002a.

4. Sheet No. E-106 of the District Maps, appended to and forming part of By-law No. 6593, is amended by marking the lands referred to in section 1. of By-law No. 87-40 and section 1. of this by-law, S-1002a.

5. In all other respects, By-law No. 87-40 is hereby confirmed, unchanged.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of

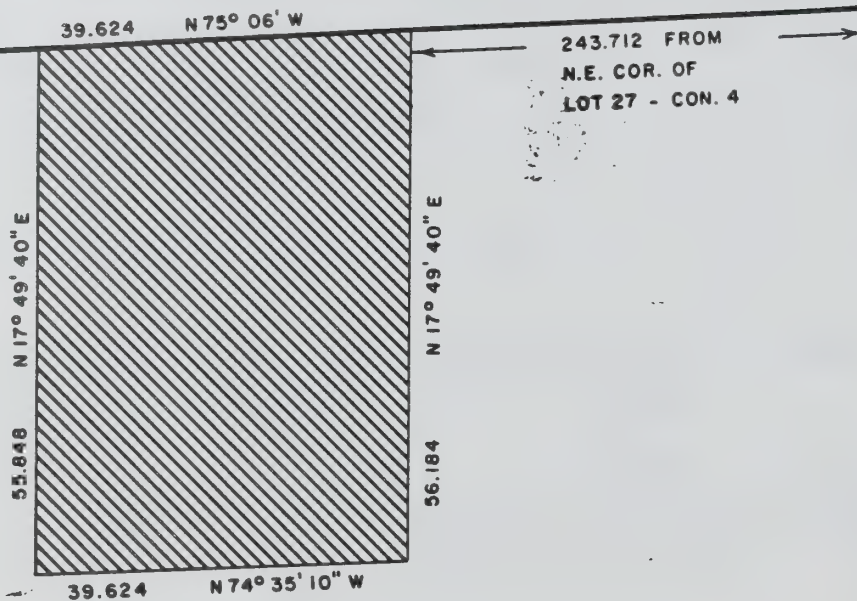
A.D. 1994.

CITY CLERK

MAYOR

(1994) 14 R.P.D.C. , October 11
M. Jovanovic, owner
ZAR-94-23

KING STREET EAST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 94-.....

North



Scale
Not to Scale

Date
SEPTEMBER 1994

Reference File No.
ZAR-94-23

Drawn By
Z.K.

BY-LAW NO. 94 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 11TH DAY OF OCTOBER A.D., 1994.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 11th day of October A.D. 1994

CITY CLERK

MAYOR

1994 October 21



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

URBAN MUNICIPAL

OCT 24 1994

**Tuesday, 1994 October 25
7:30 o'clock p.m.
Council Chambers, City Hall**

GOVERNMENT DOCUMENTS

**J. J. Schatz
City Clerk**

A G E N D A

1. National Anthem.

2. Opening Prayer:

*Reverend Wycliff Clarke,
Hamilton Church of God (Pentecostal)*

3. Presentations:

(a) *Dr. Alfred S. McLaren, President of Science Services re: 46th Annual
International Science & Engineering Fair*

(b) *Congratulation Certificate - Franco, Leo and Christina Putignano -
Shakespeare's Restaurant*

4. Proclamation:

*50th Anniversary of the United Nations - October 24th, 1994 (U.N. Day) to
December 31st, 1995 - Brian Reed, President of the United Nations*

5. Minutes from the meeting held 1994 October 11.

6. Petitions and Correspondence

7. *Reports of the Standing Committees:*

- (a) *Transport and Environment Committee*
- (b) *Parks and Recreation Committee*
- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*

8. *Notices of Motion for Next Meeting*

9. *First Reading of the Bills*

10. *Second Reading of the Bills - Committee of the Whole*

11. *Third Reading of the Bills*

12. *Question Period*

13. *Adjournment.*

MINUTES

1994 October 11

Minutes of Hamilton City Council
Tuesday, 1994 October 11
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was sung by Mia Corsini.

* * * * *

Pastor Seepaul Ram, Full Gospel Victory Faith Outreach Church of Hamilton led Council in prayer.

<p>PRESENTATIONS</p>

Mayor R. M. Morrow presented a plaque from the Ministry of Housing to Alderman B. Charters, Chairman of the Non-Profit Housing Corporation in recognition of grants received for the conversion of Non-Profit housing units to more efficient energy sources.

* * * * *

Alderman V. J. Agro reported that "Park in the Heart", a parking authority promotion intending to encourage shoppers to park and shop downtown by reducing parking costs was now underway.

* * * * *

PROCLAMATIONS

Mayor R. M. Morrow proclaimed the following:

- (a) "Community Health Week" October 14-21
- (b) "Waste Reduction Week" October 17-23

ADOPTION OF MINUTES

The minutes of the meeting held 1994 September 27 were adopted as circulated.

CORRESPONDENCE

1. Application dated 1994 September 6 from Primecan Holdings Inc., Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" Urban Protected Residential, etc.) District, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent, Hamilton, Ontario.

Received.

2. Application dated 1994 August 30 from H. Lee, Hamilton, Ontario for removal of the "H" - Holding provision from the "G-3" (Public Parking Lots) District, for lands located at No. 60 Dalhousie Avenue, Hamilton, Ontario.

Received.

3. Application dated 1994 September 16 from N. Jarvic and G. Kugler, Hamilton, Ontario for a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations for property located at Nos. 295 to 303 York Boulevard, Hamilton, Ontario.

Received.

4. Application dated 1994 September 20 from N. Clarizio, Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District regulations for Block "1" and for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for Block 2, for lands located at No. 852 Upper Wentworth Street, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the City of Hamilton Licensing Committee, be now considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - THIRTEENTH REPORT

PARKS AND RECREATION COMMITTEE - SIXTEENTH REPORT

Section 3 Re: Glow Park and Central Park - Creative Play Structures - financing

It was moved by Alderman Charters and seconded by Alderman Anderson that Section 3 (b) be deleted from the Sixteenth Report of the Parks and Recreation Committee for 1994.

CARRIED.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, D'Amico, Ross. -14.

NAYS: Aldermen Charters, Merling, Anderson. -3. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 1 Re: Zoning Application 94-17 - Frank Ricci - 2535 King St. E.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Drury, Morelli, Copps, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Wilson. -1. **CARRIED.**

* * * * *

FINANCE AND ADMINISTRATION COMMITTEE - FIFTEENTH REPORT

Section 17 Re: Proposal - Westcoast Gas Services Inc. - Supply of Natural Gas

It was moved by Alderman Ross and seconded by Alderman D'Amico that Section 17 of the Fifteenth Report of the Finance and Administration Committee for 1994 be amended by deleting the words ".. and at \$1.74/Gigajoule for the period 1995 November 1 - 1996 October 31." contained in the fourth and fifth lines of sub-section (a). **CARRIED.**

* * * * *

Section 20 Re: Standing Committees and City Council meetings - cancellation

It was moved by Alderman Ross and seconded by Alderman D'Amico that Section 20 of the Fifteenth Report of the Finance and Administration Committee for 1994 be amended by deleting "October 31" and replacing it with "November 14". **CARRIED.**

Recorded vote on amendment

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen McCulloch, Drury. -2. **CARRIED.**

* * * * *

Section 20 Re: Standing Committees and City Council meetings - cancellation

Recorded vote as amended.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen McCulloch, Drury. -2. **CARRIED.**

<p>CITY OF HAMILTON LICENSING COMMITTEE - SEVENTH REPORT</p>

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the City of Hamilton Licensing Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

A-69, A-70, A-71, A-72.

C-50, C-51, C-52, C-53, C-54.

D-29.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Morelli in the chair. (second reading).

A-69, A-70, A-71, A-72.

C-50, C-51, C-52, C-53, C-54.

D-29.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted:

A-69, A-70, A-71, A-72.
C-50, C-51, C-52, C-53, C-54.
D-29.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-69, A-70, A-71, A-72.
C-50, C-51, C-52, C-53, C-54.
D-29.

1994 October 11

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:20 'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz,
1994 October 11

**PETITIONS AND
CORRESPONDENCE**

Petitions and Correspondence:

1. Petition dated 1994 October 12, from Jim Aquila, 48 Proctor Boulevard respecting 44 Proctor Boulevard in opposition to the issuance of a Second Level Lodging Home licence.

Recommendation:

Be referred to the Licensing Committee.

2. Application dated 1994 October 13 from Domenic Carnicelli, Hamilton, Ontario for removal of the "H" Holding Provision from the "HH" (Restricted Community Shopping and Commercial) District, modified, for lands at Nos. 1425 and 1429 Upper James Street, Hamilton, Ontario.

Recommendation:

Be Received.

3. Application dated 1994 October 7 from Gerald Elborne Coleman and Robert James Coleman, Dundas, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 71 Rymal Road West, Hamilton, Ontario.

Recommendation:

Be Received.

TO: THE MAYOR AND THE MEMBERS OF CITY COUNCIL FOR THE CITY OF HAMILTON

PETITION

We, the undersigned, all of whom reside in the district between King St. and Main St., on Holton Ave., Proctor Blvd., St. Clair Ave., and on Dunsmuir between Holton and Sherman Ave., that is, within a 100 metre radius of #44 PROCTOR BLVD., strictly oppose the re-establishment of a Residential Care Facility / 2nd Level Lodging Home, presently under illegal renovation at #44 PROCTOR BLVD. Whereas all Building Permits issued state "single-family dwelling", and whereas, for the past 2 years, the house has been at various times, unoccupied, lived in by a single woman and her daughter, or recently by one older man, we believe the previous lodging home use has changed, and we insist that the City Council do all in its power to stop the re-establishment of #44 PROCTOR BLVD., especially its being granted a 2nd Level Lodging Home license without so much as a public hearing.

As residents of this neighbourhood, we feel that the over-concentration of these institutions has detrimentally altered the character, safety, and liveability of our neighbourhood. Furthermore, the establishment of yet another residential care facility is not necessary, as there is already a duplication of such services within the Region (currently a 24% vacancy rate).

There are presently 3 other 2nd Level Lodging Homes within 180 metres of #44 Proctor, located at: 57 PROCTOR BLVD. (17 residents), 81 PROCTOR BLVD. (23 residents), and 75 ST. CLAIR AVE (10 residents); and immediately outside the 180 m. radius are two other facilities at 904 KING ST.E. (24 residents), and 55 SHERMAN AVE. (22 residents).

NAME	SIGNATURE	ADDRESS
D. Freitag	I. FREITAG	34 PRO BLVD.
A. Crook	A. Crook	BLVD.
Rasah Mae Zellan	Rasah	52 HOLTON AVE S
W. J. Linder		11 Holton So.
G. P.		33 Nathan St.
ANNE KR.	anne Francis	57 HANTON AVE SOUTH.
EDWARD Szymek	E. Szymek	62 HOLTON AVE S
Colleen Duncan	Colleen Duncan	98 HOLTON AVE. S.
Kim Pearcey	K. Pearcey	94 Holton Ave. S.
J. Mainprize	J. Mainprize	76 HOLTON AVE / SOUTH
C. Sharp		
M. Sharp		

PLEASE SIGN AND RETURN TO:

JIM AQUILA

48 PROCTOR BLVD. Tel: 545-4773

1994 October 25

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1994 and respectfully recommends:

1. That a three-way stop control be implemented at the intersection at the south end of Fairway Drive and St. Andrews Drive and that the City Traffic By-law 89-72 be amended accordingly.
2. That the Westdale Village B.I.A. proposal for re-routing pedestrian traffic to the north and south sidewalks on King Street between Marion Avenue and Paisley Avenue by removing and relocating the existing cross walk lines and negating pedestrian traffic from the parking meter islands by converting them to garden areas, as well as the implementation of the proposed angle parking, as outlined in Appendix "A" attached hereto, be approved and implemented on a six month trial basis and that the Director of Traffic Services be directed to report back on the implications of this action after the six month trial period.
3.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Britannia Avenue between Garside Avenue North and Crosthwaite Avenue North; and,
 - (b) That the Director of Traffic Services be authorized to issue upon request, one parking permit per residence to Nos. 276, 278, 280, 282, and 284 Britannia Avenue to a maximum of five permits on the south side of Britannia Avenue between Garside Avenue North and Crosthwaite Avenue North; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
4.
 - (a) That the existing "No Stopping" regulation on the north side of Britannia Avenue commencing at Archibald Street and extending to a point 59 feet easterly therefrom be shortened such that the regulation commences at Archibald Street and extends to a point 40 feet easterly therefrom; and,

1994 October 25

- (b) That a "Permit Parking" regulation be implemented on the north side of Britannia Avenue commencing at a point 40 feet east of Archibald Street and extending to Harmony Avenue; and,
 - (c) That the Director of Traffic Services be authorized to issue upon request, two parking permits per residence to Nos. 283 and 285 Britannia Avenue and one parking permit per residence to Nos. 295 and 297 Britannia Avenue to a maximum of six permits on the north side of Britannia Avenue between Archibald Street and Harmony Avenue; and,
 - (d) That the City Traffic By-law 89-72 be amended accordingly.
- 5. That a "Permit Parking" regulation be implemented on the south side of Holmes Avenue commencing at a point 49 feet west of Emerson Avenue and extending to a point 20 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
 - 6. That the existing "Permit Parking" regulation on the west side of Barnesdale Avenue North commencing at a point 151 feet north of King Street East and extending to a point 24 feet northerly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.
 - 7. That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on both sides of Allenby Avenue between McElroy Road East and the northerly end of Allenby Avenue and that the City Traffic By-law 89-72 be amended accordingly.
 - 8. That the existing "No Parking, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the west side of Pearson Drive commencing at a point 347 feet south of Mount Pleasant Drive and extending to a point 18 feet southerly therefrom be revised, such that the regulation is in effect on a full-time basis and that the City Traffic By-law 89-72 be amended accordingly.
 - 9. (a) That a "No Parking, 9:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the north side of Columbia Drive between Verona Place and the north property line of No. 144 Columbia Drive; and,

1994 October 25

- (b) That a "Two Hour Parking Time Limit, 9:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the south side of Columbia Drive between Hudson Court and Stacey Avenue; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
10. (a) That the existing "Alternate Side Parking" regulation on East Bend Avenue South between Main Street East and Dunsmure Road be removed; and,
- (b) That a "No Parking" regulation be implemented on the east side of East Bend Avenue South commencing at a point 113 feet north of Main Street East and extending to Dunsmure Road; and,
- (c) That the City Traffic By-law 89-72 be amended accordingly.
11. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the east side of Cardinal Drive between Fieldway Drive and Tanager Avenue and that the City Traffic By-law 89-72 be amended accordingly.
12. That southbound traffic on Kipling Road be required to stop for eastbound and westbound traffic on Glen Road and that the City Traffic By-law 89-72 be amended accordingly.
13. (a) That the existing northbound stop and southbound yield controls at the intersection of Arcade Crescent and Gateview Drive be replaced with eastbound stop control; and,
- (b) That the existing northbound yield and southbound stop control at the intersection of Arcade Crescent and Inverness Avenue West be replaced with eastbound and westbound stop controls; and,
- (c) That the City Traffic By-law 89-72 be amended accordingly.
14. That a School Crossing Guard be assigned to the intersection of Brigade Drive/DiCenzo Drive and Upper Wellington Street during the morning and evening school crossing periods only on a permanent basis.

15. That Section 24 of the First Report of Transport and Environment Committee for 1994 approved by City Council on 1994 January 25 authorizing the sale of rear land abutting municipal address 2058 Barton Street East to Sophie Tchorewski be deleted in its entirety and, replaced by the following in lieu thereof:

- (a) That an Offer to Purchase (Highway Closure), duly executed by the abutting homeowners, Joseph and Louisa Farkas, on 1994 October 6, and scheduled to close within thirty (30) days of the completion of the conditions as set out in the Agreement, but in any event no later than 1995 October 5, for the purchase of the lands described as part of the alley lying south of Lots 221, 222 and 223 in the block bounded by Brunswick, Barton and Osborne Streets and Melvin Avenue, Registered Plan 593 (Centennial Park Survey), more particularly described as having a width of 1.524 metres (5.0 feet) more or less, by a length of 10.668 metres (35.0 feet) more or less, and comprising a total area of 16.257 square metres (175.0 square feet) more or less, designated as Part 3, and lying directly south of municipal address 2058 Barton Street East, be approved and completed, and the funds derived from this sale of \$1. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases); and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

16. That the following applications to retain inadvertent encroachments and the noted fees and subsequent annual fees, be approved by City Council provided:

- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement.

Location	Owner	Type of Encroachment	First Year/ Annual Fee	File No.
262 Roxborough	M. & C. Murphy	Steps measuring 0.37m x 1.03m	\$158/20.	T103-50 1123
34 Mayflower	G. & K. Berberovic	Steps measuring 2.8' x 3.9'	\$158/20.	T103-50 1092
30 Raleigh Court	J. & D. Crawford	Metal shed measuring 2.95m x 1.98m	\$158/20.	T103 50 1110

1994 October 25

17. (a) That the submitted schedule of works be adopted for inclusion in the Subdivision Agreement with the Owners for the estimated costs of services in:

SHELDON ESTATES", Hamilton

City's Share \$92,528.

Owner's Share - \$ 228,450.

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owners of "Sheldon Estates", Hamilton as well as any other related documents for this subdivision subject to the approval of the City Solicitor; and,
- (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,
- (d) That in the event the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided they enter into a standard agreement with the City of Hamilton for pre-servicing; and,
- (e) That the City's share of services in "Sheldon Estates", Hamilton (\$92,528.), be approved and that the Finance and Administration recommend the source of funding for this project.
18. That the Finance and Administration Committee be requested to recommend a source of funds in the amount of \$1,391.38 to finance the construction of an independent concrete sidewalk constructed on the south side of Limeridge Road between Upper Sherman Avenue and the Hydro Right-of-Way.
19. That the Building Commissioner be authorized and directed to enter into negotiations with the Hamilton-Wentworth Region for the City of Hamilton's Building Department to assume the following responsibilities:
- (a) The inspection of the installation and connection of buildings sewers; and,
- (b) The inspection on municipal and regional roads as it relates to sewer cuts and the connection of the building sewer to the public sewer; and,

1994 October 25

- (c) The discharge of water and waste into the sanitary sewer system of the Regional Municipality of Hamilton-Wentworth for the City of Hamilton; and,
 - (d) Inspecting the installation and renewal of water services and backflow prevention systems, which would include any necessary road cuts on regional or municipal roads on behalf of the Regional Municipality of Hamilton-Wentworth; and,
 - (e) The issuance of permits for the installation of sewers; and,
 - (f) The issuance of permits for the installation of water supply lines and for the renewal of water services and meter installations.
20. That four-way stop control be implemented at the intersection of West 2nd Street and Brantdale Avenue and that City Traffic By-law 89-72 be amended accordingly.
21. That four-way stop control be implemented at the intersection of Dallas Avenue and East 37th Street and that City Traffic By-law 89-72 be amended accordingly.
22. That leave be granted to introduce the following Bills:
- (a) A-73 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-74 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1994 October 17

Appendix "A" as referred to in
Section 2 of the Fourteenth Report
of the Transport and Environment
Committee for 1994



CRACKS IN 3 IN
LARGE JOINTS TO 1 INAPPROX AND BOTTOM OF FACE OF CURB
JOINTS TO ONE DECADE PAID ARE WERE JOINTS IN A-OLD MASSES ARE W-ALREADY UNITS NOT

[illegible]

KING STREET WEST
MARION AVENUE TO
PAISLEY AVENUE

IN THE CITY OF HAMILTON	FILE NO. CABINET
THE REGIONAL MUNICIPALITY OF HAMILTON-WESTMONT	Printed 1964 10-18
PLANNING PREPARED BY THE CITY OF HAMILTON PLANNING DEPARTMENT	
APPROVALS	
THE CORPORATION OF THE CITY OF HAMILTON	
THE REGIONAL MUNICIPALITY OF HAMILTON-WESTMONT	

2. Mr. <u>W. H. H.</u> 1000 10th St. N.E. Wash. D.C. 100	3. Mr. <u>W. H. H.</u> 1000 10th St. N.E. Wash. D.C. 100
--	--

1994 October 25

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SEVENTEENTH** Report for 1994 and respectfully recommends:

1. (a) That this year's Winterfest be held from 1995 February 10 to February 12, within a format which provides family activities for all ages and interests; and,

 (b) That, as required by Sections 5, 20 and 47 of Parks By-law 77-221, approval be given to allow that Chedoke Winter Sports Park be the headquarters to host large scale events such as a Bon Fire, Horse and Wagon Rides, Dog Weight Pull and Mountain Bike race in addition to the various satellite locations across the City.
2. That approval be given of the action taken by the Interim Director of Culture and Recreation in waiving the rental fee for the Hamilton Touch Football Association Championship Day held at Mohawk Sports Park 1994 October 1.
3. That the Program and Space Parameter Report for the Crystal Palace Project as prepared by the Building Sub-Committee of the New Crystal Palace Sub-Committee as outlined in Appendix "A" attached hereto, be approved and forwarded to the Art Gallery of Hamilton for inclusion in its plans for expansion.
4. (a) That the Agreement for Temporary Use of City Lands, executed by Canadian Pacific Limited on 1994 August 30, for the sole purpose of access over part of Kay Drage Park for the construction/maintenance or repair of the CP Rail trackage for GO Transit service to Hamilton during the hours 7:00 a.m. to 6:00 p.m. Monday to Saturday, for the period extending from the date of City Council approval until 1995 September 30, be approved; and,

 (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

1994 October 25

5. That the Mayor and City Clerk be authorized and directed to execute a Partial Release of Licence Agreement with Ontario Hydro, in a form satisfactory to the City Solicitor, for the lands and premises situated in the Regional Municipality of Hamilton-Wentworth, in the City of Hamilton, more particularly described as part of Lots 9 and 10, Concession 7, containing 0.030 hectare (0.074 acre) more or less, shown as Part 23 on Plan 62R-11742, located in the Rushdale Neighbourhood, south of the East-West Freeway between Upper Sherman Avenue and Upper Wentworth Street.
6.
 - (a) That staff be authorized to restore the former bedroom of the Honourable Thomas Baker McQuesten, in celebration of Hamilton's Sesquicentennial and Whitehern's Twenty-Fifth Anniversary pending budget approval; and,
 - (b) That staff be authorized to apply for assistance through the Canadian Conservation Institute Artifact Treatment Programme.
7.
 - (a) That approval be given for the purchase of an historical/commemorative plaque commemorating the "British Empire Games/James Gilmour Thompson"; and,
 - (b) That the wording for the two-sided plaque as outlined in Appendix "B" attached hereto, be approved; and,
 - (c) That the plaque be installed in front of the Jimmy Thompson Memorial Swimming Pool facing King Street; and,
 - (d) That the plaque and installation be paid for out of Account No. CH55976 71505.
8.
 - (a) That the Acting Director of Public Works be directed to pursue a location and the feasibility of establishing an annual programme wherein the logos for the Cities that the City of Hamilton is twinned with are planted in a floral display; and,
 - (b) That pictures of the floral logo are taken and forwarded to the City of Hamilton's Twin City.

1994 October 25

9.
 - (a) That the contract for the Inch Park and Parkdale Arenas Renovations and Additions projects with P.B.K. Architects and Engineers Ltd. be increased from \$256,000. (includes \$15,085. G.S.T.) to \$295,000. (includes \$17,635. G.S.T.) to reflect the increase in the construction cost approved by City Council at its meeting of 1994 October 11. This increase was reflected in the revised project cost previously approved.
 - (b) That the contract amendment be prepared in a form satisfactory to the City Solicitor.
 - (c) That the Mayor and City Clerk be authorized to execute the contract amendment on behalf of the City.
10.
 - (a) That City Council reaffirm its position to continue to operate the Chedoke Ski Hill facility over the 1994 - 1995 season with no adjustments from the previous year's operations exclusive of previously approved fee increases; and,
 - (b) That the Acting Director of Public Works be directed to consider alternative operating/management procedures for the "Chedoke Ski Operations" to reduce or eliminate the operating expenses and report back to the Parks and Recreation Committee not later than 1995 March 31; and,
 - (c) That Sub-section (b) of Section 7 of the Third Report of the Parks and Recreation Committee for 1994 adopted by City Council at its meeting held 1994 February 22 which provided for the creation of a Task Force to consider alternative operating/management procedures for the "Chedoke Ski Operations" to reduce or eliminate the operating expenses and report back to the Parks and Recreation Committee prior to the 1994 - 1995 ski season, be rescinded.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson, Secretary
1994 October 18**

Appendix "A" as referred to in
Section 3 of the Seventeenth
Report of the Parks and Recreation
Committee for 1994

PROVISIONAL DRAFT PROPOSAL - 2

THE NEW CRYSTAL PALACE

BUILDING SUB-COMMITTEE

BUILDING USAGE

- annual floral shows (chrysanthemum
and a maximum of three major horticultural displays)
- sculptural/art exhibits
- civic receptions and other gatherings
- permanent horticultural displays
- cultural events, concerts, openings, conventions
- linkage to adjacent facilities ie. Hamilton Place,
Convention Centre, City Hall, Art Gallery, Copps Coliseum
and Board of Education
- alternative/rain site for events and rallies planned
for City Hall forecourt

PREMISE

- the parameters and program would be modified dependant
upon use and relationships with adjacent facilities

Page 2

PROGRAM

1. CONSERVATORY

A. MAJOR DISPLAY AREA

- a total area of 10,000 sq.ft. consisting of three component areas (5,000 + 2,500 + 2,500 sq.ft.)
- potential for sharing with Art Gallery of Hamilton
- consisting of a variety of levels/terraces and balconies
- maximize the exposure/impact from Main Street
- a multi purpose space
- a direct relationship/connection to the entrance

B. PERMANENT HORTICULTURAL DISPLAY

- 5,000 sq. ft. consisting of a focal point area and several secondary areas
- permanent planting areas interspersed throughout the entire facility as both moveable and "in ground" features
- some of these plantings would be static displays while others would vary with the season and/or current display

C. V.I.P. ROOM

- 1,500 sq. ft.
- potential for sharing with Art Gallery of Hamilton
- reception and meeting room for visiting dignitaries and V.I.P.'s
- readily accessible to entrance and Major Display Area
- adjoining washroom
- potential for naming through a major donor
- readily accessible to the Food Facility

D. COURTYARD

- exterior site development with site amenities including hard and soft landscape components
- opportunity for permanent outdoor art display

.....gross floor area 16,500 sq. ft.

Page 3

2. ANCILLARY USES

A. ENTRANCE

- 2,500 sq.ft. with provisions for primary entrance area, coat check, information area
- potential for sharing with Art Gallery of Hamilton
- accessibility opportunity to outside courtyard
- directly connected to Art Gallery of Hamilton and Major Display Area
- access to elevators, parking and second floors

B. LINKAGES

- 2,000 sq. ft.
- connection/linkage to all adjacent facilities
 - Art Gallery of Hamilton
 - Hamilton Place
 - Convention Centre
 - Parking
- joint developmental potential with adjacent facilities
- direct access to Entrance

C. GIFT SHOP

- 1,500 sq. ft.
- potential for sharing with Art Gallery of Hamilton
- adjacent to Entrance and Food Facility
- plants and trademark sales area with storage area

D. FOOD FACILITY

- 2,000 sq. ft., seating with tables and chairs and food preparation area
- potential for sharing with Art Gallery of Hamilton
- preferred alignment in a raised viewing balcony overlooking the Major Display Area
- directly related to Gift Shop Entrance and washrooms

E. ADMINISTRATION

- 400 sq. ft. of horticultural office space for permanent and volunteer staff

Page 4

- office, technical equipment could be shared with Art Gallery of Hamilton

F. WASHROOMS

- 700 sq. ft.
 - potential for sharing with Art Gallery of Hamilton
 - adjacent to Entrance and Food Facility
- gross floor area 9,000 sq.ft.

3. SERVICES

- 2,000 sq. ft.
 - shipping and receiving
 - temporary holding area
 - potting and maintenance area
 - truck access directly to elevator
- gross floor area 2,000 sq. ft.

4. MECHANICAL/ELECTRICAL

- 2,000 sq. ft.
 - heating, cooling, humidity, electrical security system with consideration to the creation of an environment for optimum plant growth
 - system should be independent of those of the Art Gallery of Hamilton
- gross floor area 2,000 sq. ft.

Total Gross Floor Area 29,600 sq. ft.

August 3, 1994

Appendix "B" as referred to
in Section 7 of the Seventeenth
Report of the Parks and Recreation
Committee for 1994

James Gilmour Thompson

(1906-1965)

Known locally as "Mr. Swimming", James Gilmour Thompson (1906-1965) was one of Hamilton's most famous sports figures of his day.

Born in Dundee Scotland, Thompson was a competitive swimmer, appearing in the 1930 British Empire Games and the 1932 Olympic Games.

In 1933, Thompson became the first coach of the Hamilton Aquatic Club, an organization which under his leadership eventually won 92 national and 205 provincial swimming titles.

As manager and swimming instructor of the Municipal Swimming Pool, Jimmy Thompson is credited with teaching over 60,000 local children how to swim.

In 1971, the swimming pool, where Jimmy Thompson taught swimming, sportsmanship and citizenship with energy and dedication for over 30 years, was renamed the Jimmy Thompson Memorial Swimming Pool in his honour.

British Empire Games

August 16-30, 1930

The first British Empire Games (forerunner of the Commonwealth Games) were held in Hamilton during the week of August 16 to 23, 1930.

Beginning with an idea conceived by Melville Marks (M.M.) Robinson, the Games involved over 400 athletes from Australia, New Zealand, South Africa, Scotland, England, Wales, Bermuda, British Guiana, Newfoundland, Northern Ireland and Canada.

Competing for gold, silver and bronze medals, the athletes participated in the following events; track and field, rowing, boxing, wrestling, swimming, diving and lawn bowling.

To accommodate the competitions, the nearby Civic Stadium (later Ivor Wynn Stadium) and the Municipal Swimming Pool (later the Jimmy Thompson Memorial Swimming Pool) were constructed.

1994 October 25

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1994 and respectfully recommends:

1. (a) That approval be given to Zoning Application 94-02, Timothy Canadian Reformed Society of Hamilton, owner and prospective owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified (Blocks "2" and "3"); and, from "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit the development of the subject lands for single-family detached dwellings (Blocks "1" and "4"), and to consolidate lands and provide access onto the proposed Crerar Drive for the lands to the south (Blocks "2" and "3"), shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential) District; and,
 - (ii) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified; and,
 - (iii) That Block "4" be rezoned from "DE" (Low Density Multiple Dwellings) District, modified, to "C" (Urban Protected Residential, etc.) District; and,
 - (iv) That Schedule "A" of By-law No. 82-53, as amended by By-law No. 83-54, be further amended to include a revised Schedule "A" incorporating Blocks "2" and "3", and deleting Block "4"; and,
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-787a on Blocks "2" and "3", and that the subject lands on Zoning District Map E-18C be notated S-787a; and,
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,

1994 October 25

- (vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (viii) That the Crerar Neighbourhood Plan be amended to redesignate part of Block "1" north of the proposed Crerar Drive from "Civic & Institutional" to "Single & Double Residential"; redesignate Block "3" from "Single & Double Residential" to "Low Density Apartments"; and, redesignate Block "4" from "Low Density Apartments" to "Single & Double Residential" as outlined on APPENDIX "B" attached.
- (b) That approval be given to application 25T-94001, Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society For A Home for the Aged Inc., owners, to establish a draft plan of subdivision in the area north of Stone Church Road East and Upper Wentworth Street, subject to the following conditions:
- (i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd. dated 1994 January 24, and red line revised showing 27 lots for single family dwellings, and various blocks for road and future development purposes; and,
 - (ii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (iii) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,
 - (iv) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

1994 October 25

- (viii) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future expansion of the road allowances or development of abutting lands; and,
- (ix) That the plan not be registered until sewer and water services are available; and,
- (x) That the owner be required to dedicate sufficient lands adjacent to Lot 27 to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance to provide for the designated road allowance width of 30.48m; and,
- (xi) That the status of the 9.14m easement in favour of the Region over Lot 27 and lands to the north be determined prior to the approval of these lots and blocks; and,
- (xii) That Crerar Drive must align centreline to centreline with matching street radii with Crerar Drive on the draft approved Falconstone draft plan of subdivision to the east. The street location and radii of Crerar Drive in the Falconstone plan of subdivision must align with Crerar Drive as established by Plan of Subdivision 62M-728; and,
- (xiii) That the horizontal curve on Crerar Drive between Lots 1 to 15, inclusive, be revised to the satisfaction of the Regional Roads Department; and,
- (xiv) That prior to any development of lands within this draft plan of subdivision, Crerar Drive from the easterly limits of the subdivision to the westerly limits of the subdivision be established as a public highway and constructed to its full width and that all costs associated with the construction of the road and municipal servicing for both sides of Crerar Drive be paid up front by the applicant/owner; and,
- (xv) That a second public street access connection must be established and constructed to its full width from the extension of Crerar Drive to either Stone Church Road or Upper Wentworth Street; and,
- (xvi) That the north-south street adjacent to Lot 1 and Block 43 must be established at 20m and the west street line must be parallel to the east

1994 October 25

limit of the street as approved in the Falconstone plan of subdivision;
and,

- (xvii) That all existing structures within the proposed Crerar Drive road allowance be removed and relocated to private property; and,
- (xviii) That Blocks 28 to 43, inclusive, and Block 48 must be developed in conjunction with the adjoining lands; and,
- (xix) That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands; and,
- (xx) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
- (xxi) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-91014), Timothy Canadian Reformed School Society of Hamilton and Canadian Reformed Society For A Home for the Aged Inc., owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

- 2. That Section 3.B. of the Eighteenth Report of the Planning and Development Committee for 1993, respecting Zoning Application 93-16, Diana Marie Hubbard and Edith Held, owners, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, requiring the registration of mutual right-of-way agreements, as a condition of rezoning, for lands located at No. 1367 Upper James Street, as shown on the attached map marked as APPENDIX "C", be repealed in its entirety.
- 3. (a) That City Council give approval to designate by By-law, the Durand-Markland Heritage Conservation District under Part V of the Ontario Heritage Act; and,

1994 October 25

- (b) That the City Solicitor be authorized and directed to take the appropriate action to have this District designated pursuant to the provisions of the Ontario Heritage Act, 1983; and,
 - (c) That City Council adopt the Durand Markland Heritage Conservation District Plan, as prepared by Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited dated 1994 October (copies of which were distributed at the meeting and to all Members of City Council and are available from the Secretary upon request); and,
 - (d) That the implementation strategies for the Durand-Markland Heritage Conservation District Plan be undertaken by the appropriate departments and agencies; and,
 - (e) That the recommendations for heritage policies, as contained in the Durand-Markland Heritage Conservation District Plan, be referred to the Planning and Development Department for consideration in the review of the City of Hamilton Official Plan in 1995; and,
 - (f) That the recommendations for permitting additional tree species for public property in the Durand-Markland Heritage Conservation District be referred to the Public Works Department for review and consideration.
4. (a) That approval be given to the Environmental Impact Statement Waiver, on behalf of Dicenzo Construction, to permit the development of the subject lands for a single-family dwelling, for the lands located on the west side of Kimberly Drive, north of the intersection of Dundonald, as shown on the attached map marked as APPENDIX "D"; and,
- (b) That the City Clerk be requested to forward a copy of Council's decision to the Regional Clerk and the Niagara Escarpment Commission.
5. That Item 7.A.(a)(i)(1) of the Twenty-First Report of the Planning and Development Department to City Council on 1992 December 8, respecting Zoning Application ZA-92-39 by Pane Del Sole Bakery (Mr. Gaetano Lattuca), owner, of lands at 150 Catharine Street North, be amended as follows:
- (i) amend Item 7.A.(a)(i)(1) by deleting it in its entirety and replacing it with the following:

1994 October 25

- "(1) That a landscape planting strip having a minimum width of 1.0 m shall be provided and maintained along the northerly lot line, except for any area used for vehicular access."
6. That the Building Commissioner be authorized and directed to implement a proactive enforcement program for the repair or demolition of fire damaged buildings within the City of Hamilton.
 7. That a Heritage Permit be approved for the construction of a garage as depicted on the Site Plan, Floor Plan, and Elevations, attached hereto and marked as Appendix "E", at 113 Charles Street in the MacNab-Charles Heritage Conservation District.
 8. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and ninety five dollars (\$1,995.) be approved for Zona Wright, 30 Glamis Court. The interest rate will be 8 per cent amortized over 5 years.
 9. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and sixty three dollars (\$1,563.) be approved for Vincent Arsenault and Mildred Arsenault, 49 Beach Road. The interest rate will be 8 per cent amortized over 5 years.
 10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and thirty-one dollars (\$1,231.) be approved for Dorothy Thomas, 28 Case Street. The interest rate will be 8 per cent amortized over 5 years.
 11. That the Downtown Hamilton B.I.A.'s request for the purchase and installation of banners under the 1994 Commercial Improvement Programme be approved at an estimated cost of \$15,400. and be financed from Account No. CF 5698 428705006.
 12. That leave be granted to introduce the following Bills:
 - (a) C-55 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 76-312 respecting land located at Municipal No. 180 Walnut Street South
 - (b) C-56 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 79-255 respecting land located at the rear of Municipal No. 1200 Upper James Street

1994 October 25

- (c) C-57 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 2535 King Street East

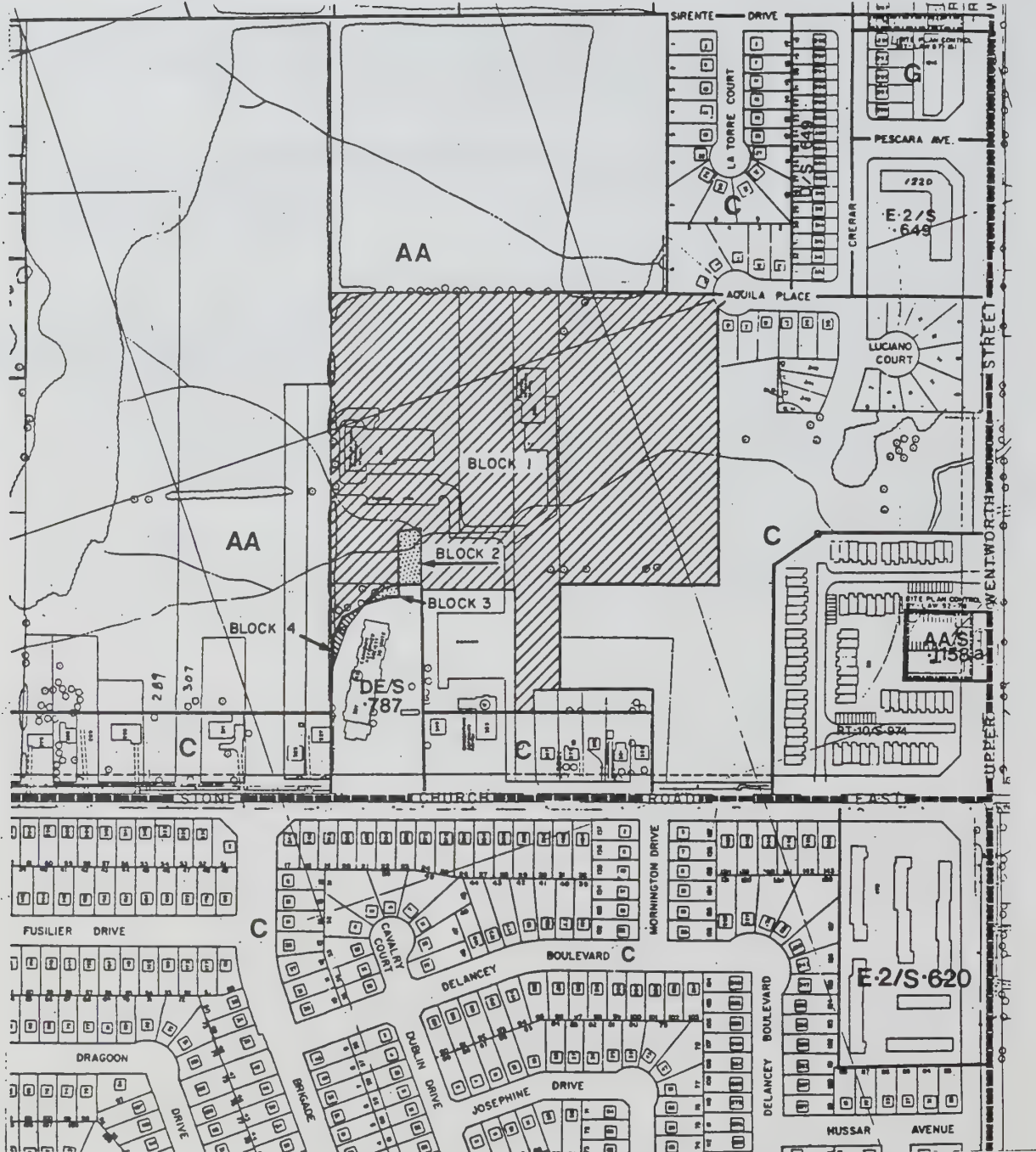
Respectfully submitted,

**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Charlene Touzel
Secretary
1994 October 19**




1994 October 25


Appendix "A" as referred to in
Section 1. (a) of the FIFTEENTH
Report of the Planning and
Development Committee for 19



Legend

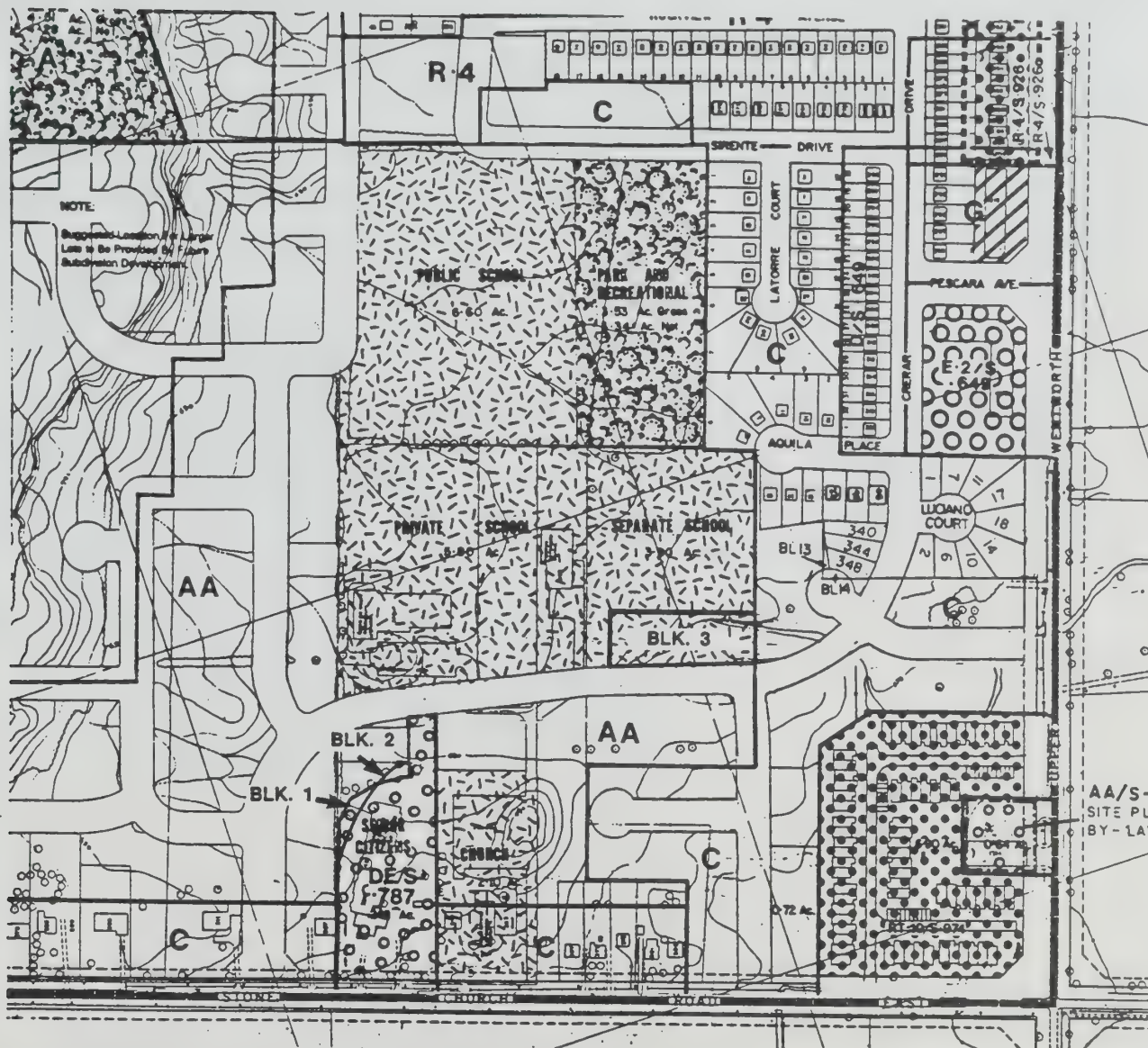
Proposed changes in zoning from:

- BLOCK 1  "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District
- BLOCKS 2 AND 3  "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified.
- BLOCK 4  "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.


ZAC-94-02

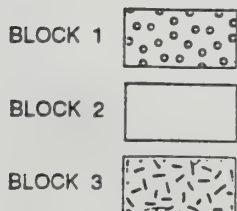
1994 October 25

Appendix "B" as referred to in
Section 1. (a) (viii) of the
FIFTEENTH Report of the Planning
and Development Committee for 1994



Legend

Proposed changes:



"Low Density" to "Single & Double"

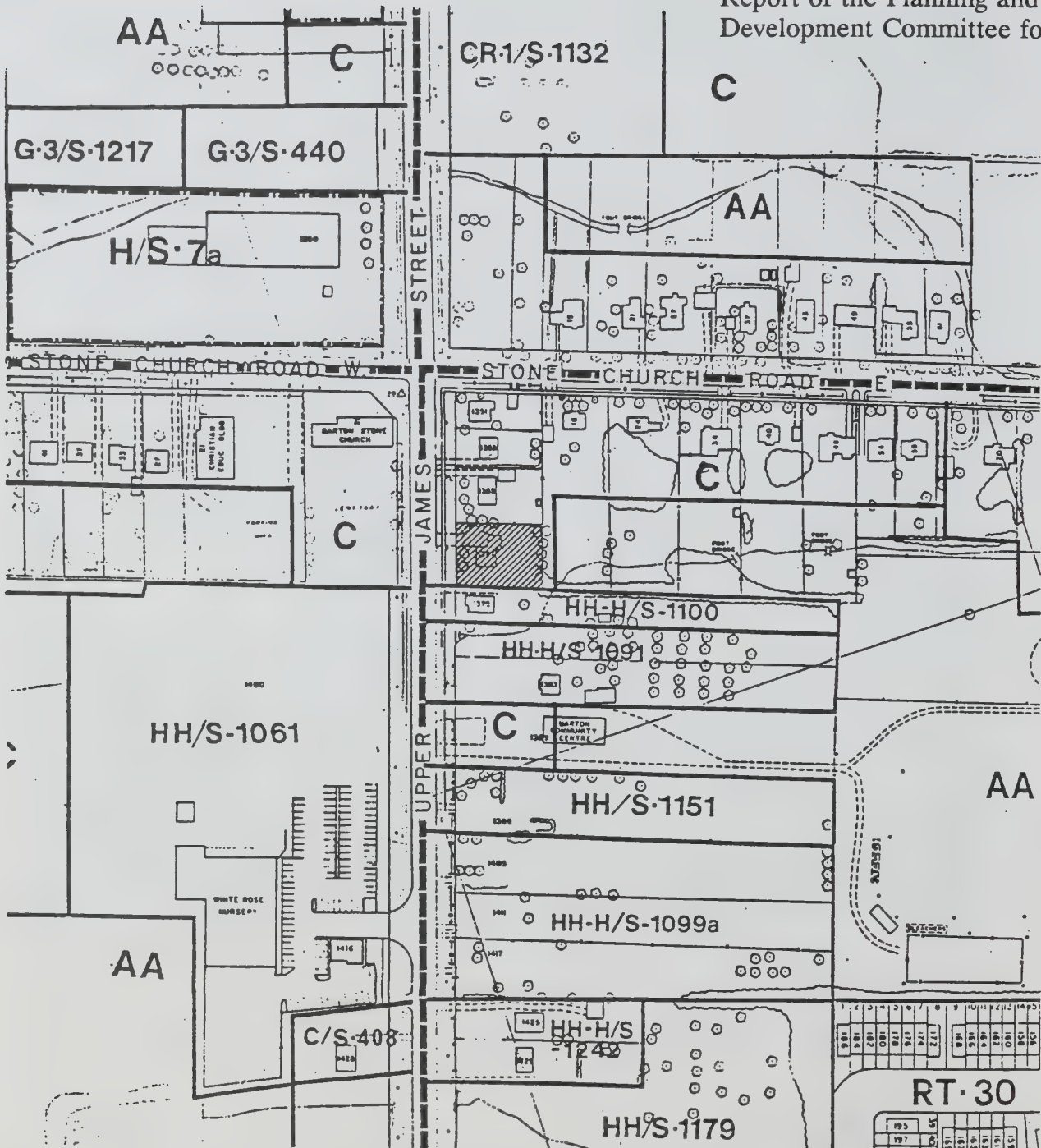
"Single & Double" to "Low Density Apartments"

"Civic & Institutional" to "Single & Double"

ZAC-94-02

1994 October 25

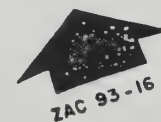
Appendix "C" as referred to in
Section 2 of the FIFTEENTH
Report of the Planning and
Development Committee for 1994



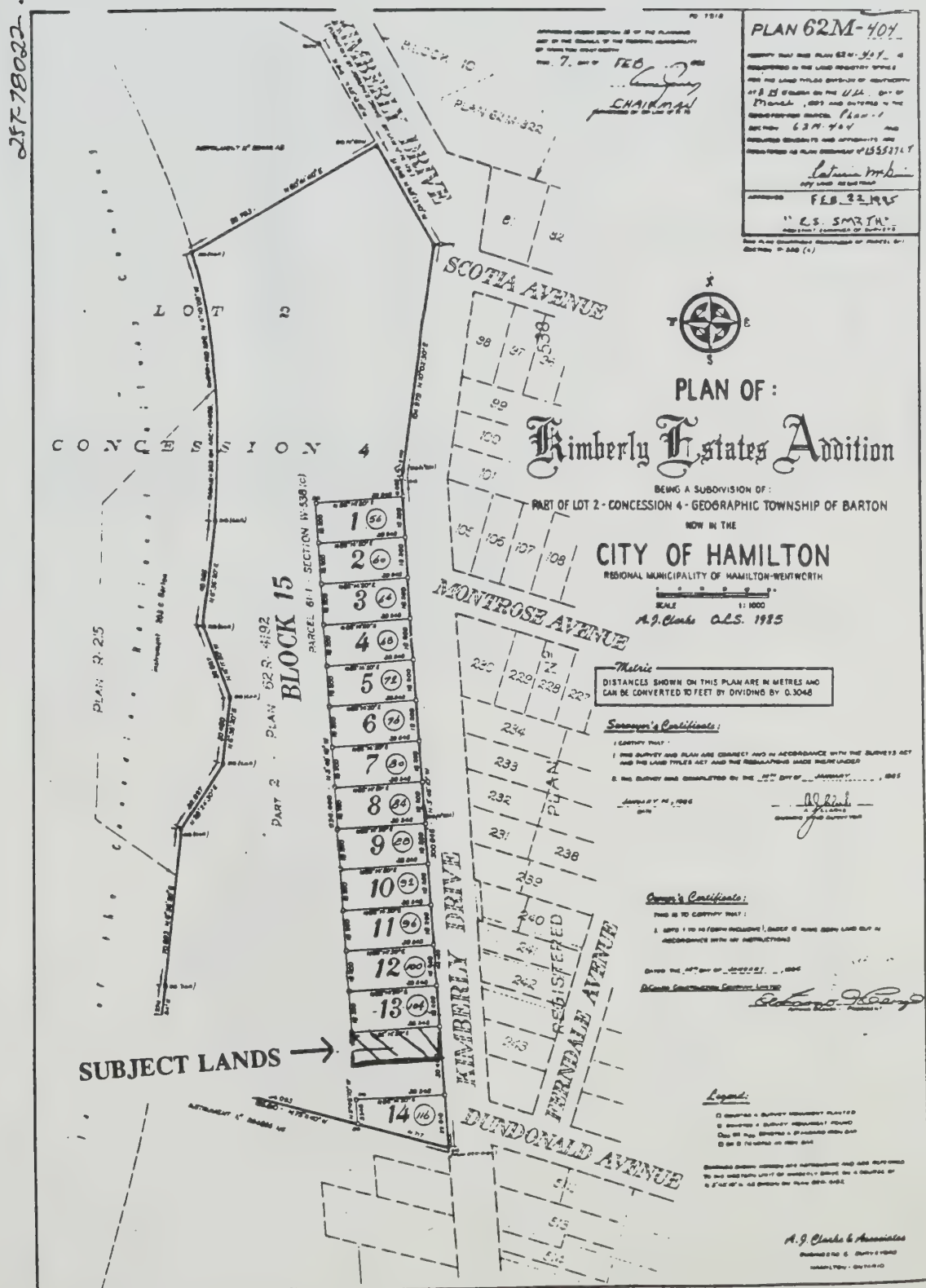
Legend



Site of the Application



Appendix "D" as referred to in
Section 4. (a) of the FIFTEENTH
Report of the Planning and
Development Committee for 1994



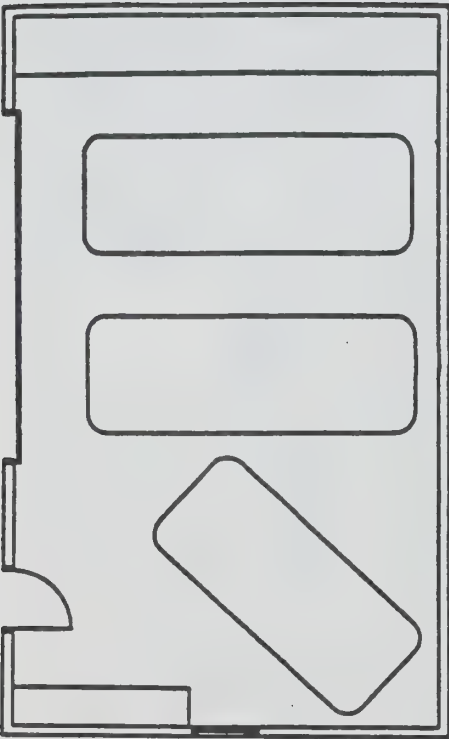
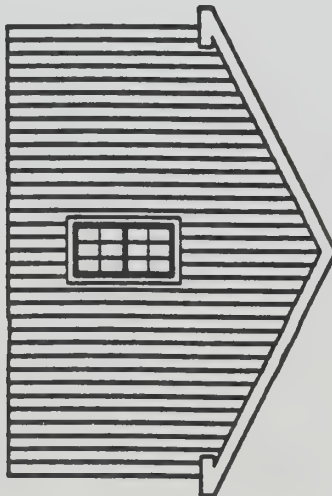
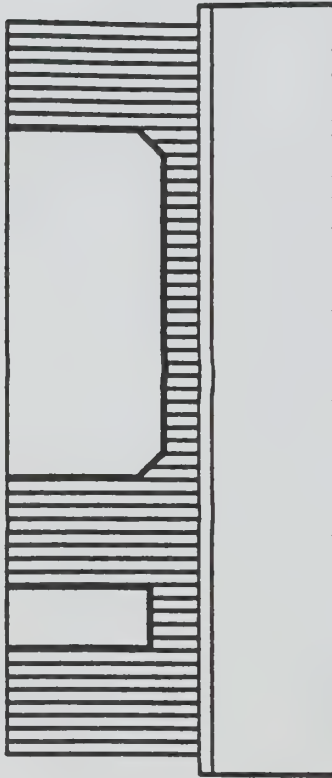
1994 October 25

Proposed Garage for the Nelson Residence, 111-113 Charles Street

Exterior siding: board-and-batten

Garage door: overhead type (wood or metal)

Roofing: cedar or asphalt shingles

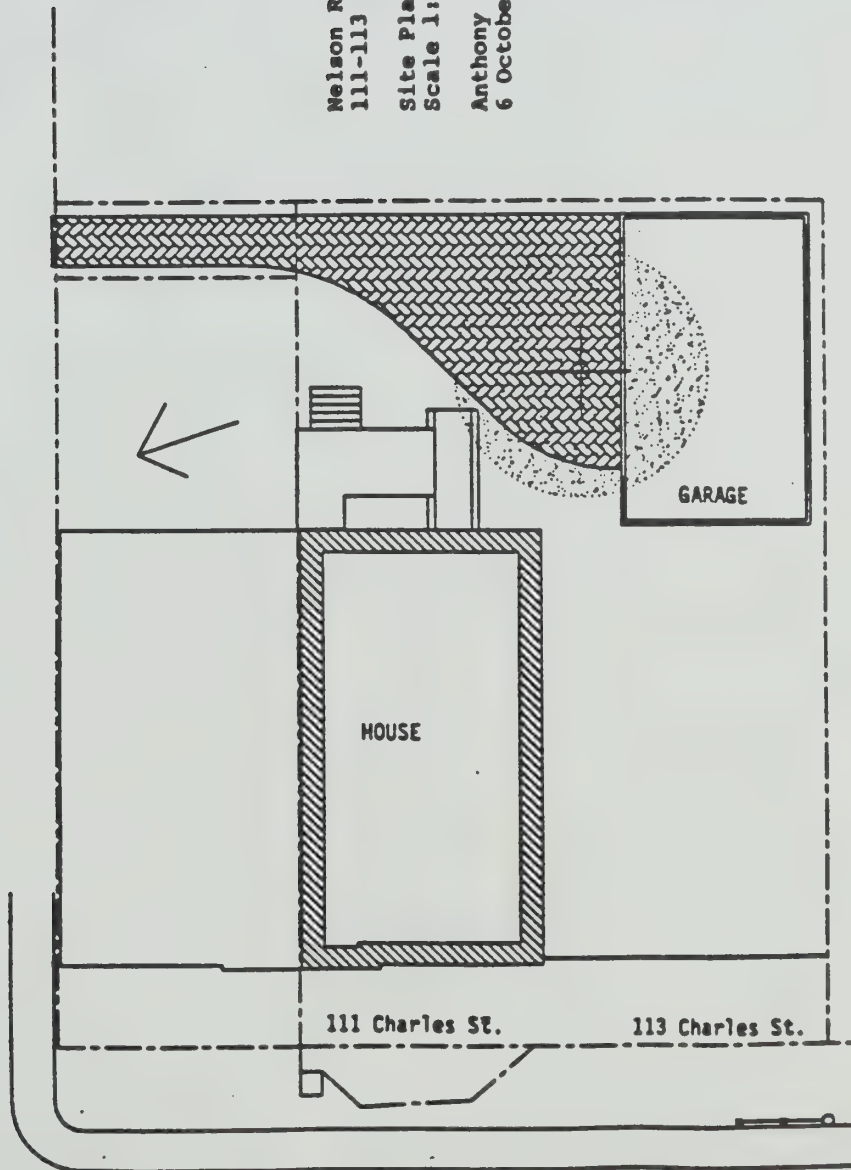


1994 October 25

Nelson Residence
111-113 Charles Street

Site Plan
Scale 1:200

Anthony Butler Architect Inc.
6 October 1994



1994 October 25

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SIXTEENTH** Report for 1994 and respectfully recommends:

1.
 - (a) That the Barrier Free Design standards, adopted by Regional Council, at its meeting held 1994 October 4, be adopted by Hamilton City Council; and,
 - (b) That the said standards be mandatory for all newly constructed, retrofitted buildings owned, leased or funded, partially or fully, by the City of Hamilton; and,
 - (c) That the affected Departments be requested to review their previously authorized and future project budgets and make recommendations to their respective Standing Committees regarding any increased cost of a project as a result of (b) above; and,
 - (d) That the Corporation of the City of Hamilton, through the project management function in the Property Department, be given the authority to ensure compliance with the said standards during the pre-planning, design, construction documents preparation and the contract administration phase; and,
 - (e) That the City Solicitor, the Building Department and the Property Department form a task force to investigate the legislative requirements to adopt these standards on a provincial level; and,
 - (f) That staff of the Architectural Division, Property Department, be authorized to review the said standards every 3-5 years to maintain its status with technology and construction advancements.
2.
 - (a) That approval be given to the request of St. Joseph's Hospital to use the City Hall forecourt and first floor washrooms on Sunday, 1994 November 27 from 10:30 a.m. - 12:30 p.m. for the St. Joseph's Jingle Bell Run/Walk; and,
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.

3.
 - (a) That approval be given to the request of the organizers of the Hamilton Hallowe'en Run to use the City Hall forecourt and related equipment together with access to the first floor washrooms on Sunday, 1994 October 30 from 12:00 noon - 2:00 p.m. on the occasion of the Hamilton Hallowe'en Run; and,
 - (b) That the City Clerk be granted the authority to approve of a similar use in future years provided it does not interfere with any other activity.
4. That approval be given to the action taken by the City Clerk in granting the request of the Settlement and Integration Services Organization to use the City Hall forecourt and related equipment together with access to the first floor washrooms on Sunday, 1994 October 16 from 10:00 a.m. - 2:00 p.m. during a Walkathon for Rwanda.
5.
 - (a) That approval be given to the request of the Status of Women Sub-Committee to use the second floor foyer, east and west ends, from 1995 March 5 to 11 for a display of Women's Art during International Women's Week; and,
 - (b) That the City Clerk be authorized to approve of a similar use in future years provided it does not interfere with any other activity.
6. That as referred to in Section 18 of the Fourteenth Report for 1994 of the Transport and Environment Committee, the City's share of financing required in the amount of \$1,391.38 for additional financing for Local Improvements closed in 1991 be funded from the Reserve for Capital Projects, Account Centre No. CH 00203.
7. That as referred to in Section 17 of the Fourteenth Report for 1994 of the Transport and Environment Committee, the City's share of financing for "Sheldon Estates" Servicing, at a cost of \$92,528., be funded from Centre No. CH 00107 - "Reserve for Services through Unsubdivided Lands".

1994 October 25

8.
 - (a) That the Offer to Purchase executed by the officials of The Hamilton Society for the Prevention of Cruelty to Animals (S.P.C.A.) for conveyance by the City of Hamilton of Lots 8, 9, 10 and 11 plus Block 12 (subject to an easement in favour of Trans Canada PipeLine Limited) Plan 62M-658, having a frontage of 151.4 metres (496.72 feet) along the eastern limit of Dartnall Road by a depth of 102.330 metres/100.347 metres (335.728 feet/329.222 feet) having an area of 1.536 hectares (3.795 acres) for the sum of \$1. be approved and completed; and,
 - (b) That the Hamilton Society for the Prevention of Cruelty to Animals (S.P.C.A.) be exempt from the City policy of having to provide a security deposit for its site plan agreement and that the City accept, in its place, the SPCA's agreement that default under the site plan agreement be treated as default under its Infra funding Agreement with the City; and,
 - (c) That the Mayor and City Clerk be authorized to execute an Infrastructure Funding agreement with the SPCA providing the terms and conditions under which Infrastructure funding is intended to be provided towards the construction cost of the Purchaser's facility to be built and under which the expenditure of monies of the Federal-Provincial Infrastructure Programme shall proceed. Such agreement shall also provide that when the Society submits its claim, the City will advance the funding, pending reimbursement under the Infra program, to enable the Society to maintain its cash flow. The funding agreement shall be in a form satisfactory to the City Treasurer and the City Solicitor and shall also include the following matters:
 - (i) The SPCA shall assume all costs of the project not covered by the Infra monies; and,
 - (ii) The SPCA shall hire its architect, its contractor and other advisers on such terms and upon such contract form and terms as the SPCA and its advisers consider appropriate, including CCDC contract forms, prequalification procedures, performance, labour and material bonds, subject to the following exceptions: all contracts shall be subject to the City's fair wage policy; the City's local preference policy and all contracts shall be subject to requirements of the Canada/Ontario Infrastructure Program.
9. That the request from Carmen's Catering Ltd. to sell Nevada tickets to support the fundraising efforts of the YMCA at its leased location in the City Hall Cafeteria be approved.

1994 October 25

10. (a) That Section 21(d) of the Fourteenth Report for 1993 of the Finance and Administration Committee, adopted by City Council on 1993 July 27, which reads as follows: "That the Junior Achievement of Hamilton-Wentworth be allowed to lease approximately 6,379 square feet in the Upper Wentworth Composite Building", be rescinded; and,

(b) That as the Upper Wentworth Composite Building is surplus to the City's needs, the Director of Property be authorized to proceed to dispose of this property.
11. That the City of Hamilton convey its support and endorsement to the Central West Emergency Helicopter Committee for its efforts to raise funds to purchase an Emergency Services Helicopter for the Hamilton area.
12. That outstanding business taxes in the amount of \$400,406.61 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to Account CH53401 24106, Tax Write-offs.
13. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:
 - (i) 1221 Stone Church Road East
 - (ii) 17 Clare Avenue
 - (iii) 227 Mary Street
 - (iv) 72 Stone Church Road West
 - (v) 97 Aikman Street
 - (vi) 151 Kingslea Drive
- (b) That the Mayor and City Clerk be authorized to execute the By-law and extension agreements.

1994 October 25

14. (a) That the Director of Public Works be authorized to approach wheelchair tire manufacturers to recommend that the quality of wheelchair tires be upgraded to be more sidewalk worthy; and,
 - (b) That Regional Council be requested to refer this issue to its Regional Advisory Committee for Persons with Physical Disabilities for its participation in this approach.
15. (a) That the City of Hamilton purchase a table of 10 at a cost of \$600. for the 1994 Induction Ceremonies and Dinner for the Hamilton Gallery of Distinction to be held on Wednesday, 1994 November 9, at the Hamilton Convention Centre; and,
 - (b) That funding for this expenditure be charged to the Unclassified Account No. CH55113 24201.
16. (a) That the City of Hamilton host the Awards Night Ceremony during the International Society for Aerosols in Medicine (ISAM), at a cost not to exceed \$5,000., in 1995 May; and,
 - (b) That funds for this expenditure be financed from the 1994 Account No. CH55314 84010 - Special Civic Receptions and Delegation Hostings.
17. (a) That the City of Hamilton not accept the Plaintiffs' Offer to Settle Ontario Court (General Division) Action No. 3715/93 upon payment of \$7,000. plus costs and interest; and,
 - (b) That the Law Department be authorized to make an Offer to Settle in Ontario Court (General Division) Action No. 3715/93 in the following terms:
 - (i) That the City of Hamilton will pay to the Plaintiffs Humberto and Alzira Raposo the sum of \$2,000. inclusive of all claims for damages, interest and costs; and,
 - (ii) That all claims, and cross or counter-claims as against the City of Hamilton in Ontario Court (General Division) Action No. 3715 shall be dismissed without costs; and,
 - (iii) That this Offer shall remain open for acceptance until withdrawn, or until the commencement of Trial, whichever shall first occur.

18. (a) That the City agree to resolve Ontario Court (General Division) Action No. 18886/90 by the payment to the Plaintiffs, Clara John and Brenda Clairmont, by her litigation guardian Norma Griffin, a contribution in the amount of \$2,000. inclusive of all claims for damages, interest and costs; and,

(b) That Ontario Court (General Division) Action No. 18886/90 be dismissed without costs; and,

(c) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor.
19. (a) That the City resolve Ontario Court (General Division) Action No. 33728/92 by the payment to the Plaintiffs, Diane Arnold, Robert Arnold, Jennifer Arnold, Karen Payne, and Samantha Payne of the sum of \$3,500. inclusive of all claims for damages, interest and costs; and,

(b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory the City Solicitor; and,

(c) That Ontario Court (General Division) Action No. 33728/92 be dismissed without costs.
20. (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 21506/90 by the payment to the Plaintiffs, Robert Dimatteo, Donatina Dimatteo, Pat, Louisa and Annette Dimatteo of the sum of \$35,563.82 inclusive of all claims for damages, interest and costs; and,

(b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(c) That Ontario Court (General Division) Action No. 21506/90 be dismissed without costs.

1994 October 25

21. (a) That the services of the City of Hamilton's Treasury Department be integrated with those of the Region of Hamilton-Wentworth's Finance Department, based upon the general guidelines proposed in the "Integration of Treasury and Finance Functions" prepared by Price Waterhouse, dated 1994 October 13; and,
- (b) That the following transaction processing functions be integrated into one service delivery:
- (i) Purchasing, commitment processing and accounts payable;
 - (ii) Non-tax revenue billing and accounts receivable, including utility billing and collections;
 - (iii) Tax collection;
 - (iv) Cashiers;
 - (v) Payroll and benefits payment and accounting;
 - (vi) General accounting, including management of general ledgers for each of the two entities;
 - (vii) borrowing, investments and cash management; and,
- (c) That the City of Hamilton and the Region of Hamilton-Wentworth participate in a study evaluating the feasibility of integrating the Hamilton Street Railway's Purchasing and Stores function with the City of Hamilton's Purchasing and Stores function; and,
- (d) That an amount of \$150,000. be considered during the 1995 Current Budget deliberations for an external consulting service to assist with facilitating this integration to be shared equally between the City of Hamilton and the Region of Hamilton-Wentworth; and,
- (e) That a Treasurer to head the primary Department (service provider) and a Director of Finance be appointed; and,
- (f) That the City of Hamilton should be the service provider and proceed with the integration as outlined in the "Integration of Treasury and Finance Functions" prepared by Price Waterhouse, dated 1994 October 13.

1994 October 25

22. That leave be granted to introduce the following Bills:

- (a) D-30 A By-law to Amend Total Costs of Various Debentured Projects.
- (b) D-31 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (c) D-32 A By-Law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully Submitted,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder, Secretary
1994 October 20**

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1994 OCTOBER 25
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Fairway	Eastbound	St. Andrews (East leg)
Kipling	Southbound	Glen
Gateview	Eastbound	Arcade
Inverness	Eastbound and Westbound	Arcade
Brantdale	Eastbound and Westbound	West 2nd
East 37th	Northbound and Southbound	Dallas".

and by deleting therefrom the following items, namely:-

"Arcade	Southbound	Inverness Crt
Arcade	Southbound	Inverness
Arcade	Northbound	Gateview".

2. **Schedule 11 (Yield Right-of-Way Signs)** is hereby amended by deleting therefrom the following items, namely:-

"Arcade	Northbound	Inverness
Arcade	Southbound	Gateview".

3. **Schedule 29 (No Stopping Areas)** is hereby amended by deleting therefrom the following item, namely:-

"Britannia	North	Archibald to 60 feet east	Anytime".
------------	-------	---------------------------	-----------

and by adding thereto the following item, namely:-

"Britannia	North	Archibald to 40 feet east	Anytime".
------------	-------	---------------------------	-----------

PASSED this _____ day of _____ A.D. 1994.

CITY CLERK

MAYOR

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Britannia	South	Garside to Crosthwaite	Anytime
Britannia	North	from a point 40 feet east of Archibald to Harmony	Anytime
Holmes	South	from a point 49 feet west of Emerson to a point 20 feet westerly therefrom	Anytime".

and by deleting therefrom the following item, namely:-

"Barnesdale	West	commencing at a point 151 feet north of King to a point 24 feet northerly therefrom	Anytime".
-------------	------	---	-----------

2. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following items, namely:-

"Allenby	Both	McElroy to the northerly end	1 hr	8 am - 4 pm	Mon - Fri
Columbia	South	Hudson to Stacey	2 hr	9 am - 4 pm	Mon - Fri
Cardinal	East	Fieldway to Tanager	1 hr	8 am - 6 pm	Mon - Sat".

3. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

"East Bend	East	Dunsmure to 113 feet north of Main	Anytime
Pearson	West	commencing at a point 347 feet south of Mount Pleasant to a point 18 feet southerly therefrom	Anytime
Columbia	North	Verona to the north property line of No. 144 Columbia	9 am - 4 pm Mon - Fri".

and by deleting therefrom the following item, namely:-

"Pearson	West	commencing at a point 347 feet south of Mount Pleasant to a point 18 feet southerly therefrom	8 am - 5 pm Mon - Fri".
----------	------	---	-------------------------

4. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

East Bend Avenue	East	West
Main Street East to King Street East		

and by adding thereto the following item, namely:-

East Bend	East	West".
Dunsmure to King		

PASSED this _____ day of _____ A.D. 1994.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 76-312

Respecting:

LAND LOCATED AT MUNICIPAL NO. 180 WALNUT STREET SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 76-312 on the 30th day of November 1976 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "C" District, in respect to the above-mentioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of December 1977;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 127, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 94-129, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 76-312, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended in accordance with Section 39 of the Planning Act, R.S.O. 1990, to the extent only of the special requirements that,

- (a) a restaurant shall be permitted only within the existing building, for a maximum period of two years from the date of the passing of this by-law; and
- (b) notwithstanding Section 18A of By-law No. 6593, no parking shall be required for the temporary restaurant use.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-1" District provisions, subject to the special requirements referred to in section 2 of By-law No. 76-312 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-490a.

4. Sheet No. E-5 of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 76-312 and section 1 of this by-law, S-490a.

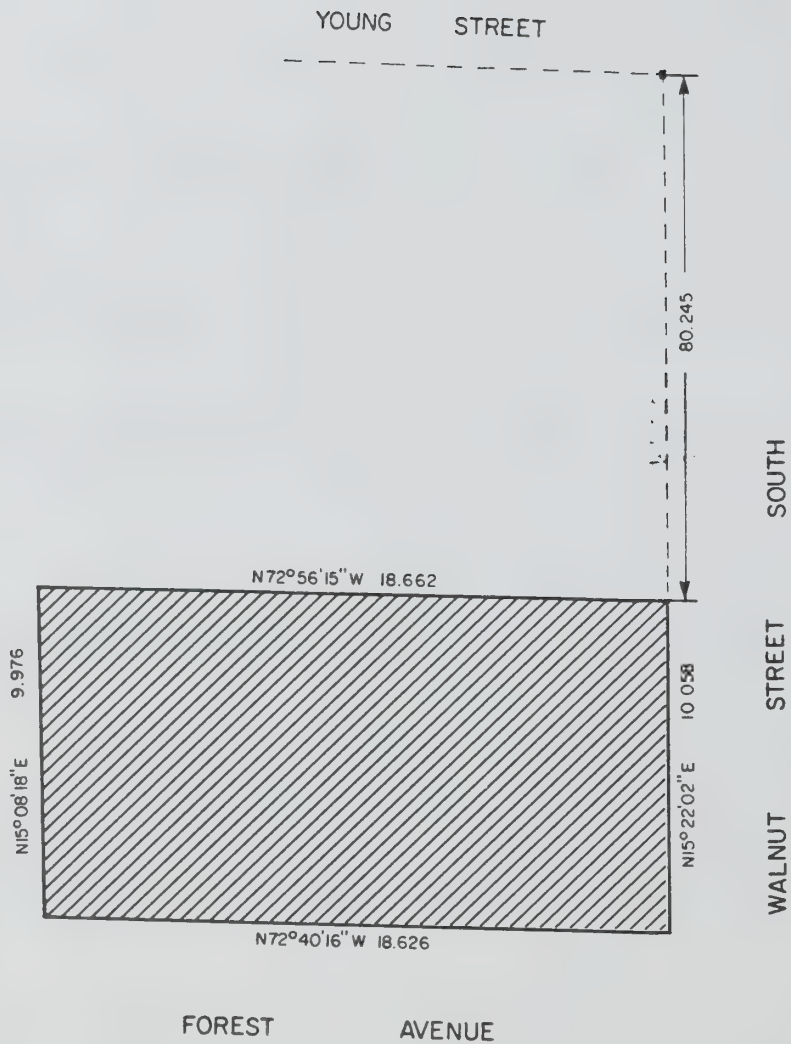
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1994

CITY CLERK

MAYOR

(1994) 10 R.P.D.C. 4B, June 28
Ivo Civitarese, et al, Owner
ZAC-94-03



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
 Passed the day of, 1994.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 94-.....
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



Lands to be regulated by
 By-Law No. 94-.....

North



Scale
 Not to Scale

Date
 JUNE 1994

Reference File No.
 ZAC-94-03

Drawn By
 E. C.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593
As Amended by By-law No. 79-255

Respecting:

**LAND LOCATED AT THE REAR OF
MUNICIPAL NO. 1200 UPPER JAMES STREET**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 79-255 on the 28th day of August 1979 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "G-3" District, in respect of the land located at the rear of Municipal Nos. 1188 and 1208 Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 30th day of October 1979, (File No. R 793837);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 15 of the 11th Report of the Planning and Development Committee at its meeting held on the 25th day of April 1989, recommended that Zoning By-law No. 6593, as amended, be further amended to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

AND WHEREAS the special conditions relating to this rezoning, referred to in Section 15 of the 11th Report of the Planning and Development Committee adopted by City Council on the 25th day of April 1989, have been satisfied;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 75, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 89-161, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the land referred to in section 1 are amended to the extent only of the special requirement that,

- (a) a planting strip not less than 9.0 m in width shall be provided and maintained along the westerly lot line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1122.

5. Sheet No. W-9B of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1122.

6. (a) Sections 2, 3, 4 and 5 of By-law No. 79-255 are hereby repealed.

(b) Sections 6 and 7 of By-law No. 79-255 are hereby renumbered 2 and 3 respectively.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

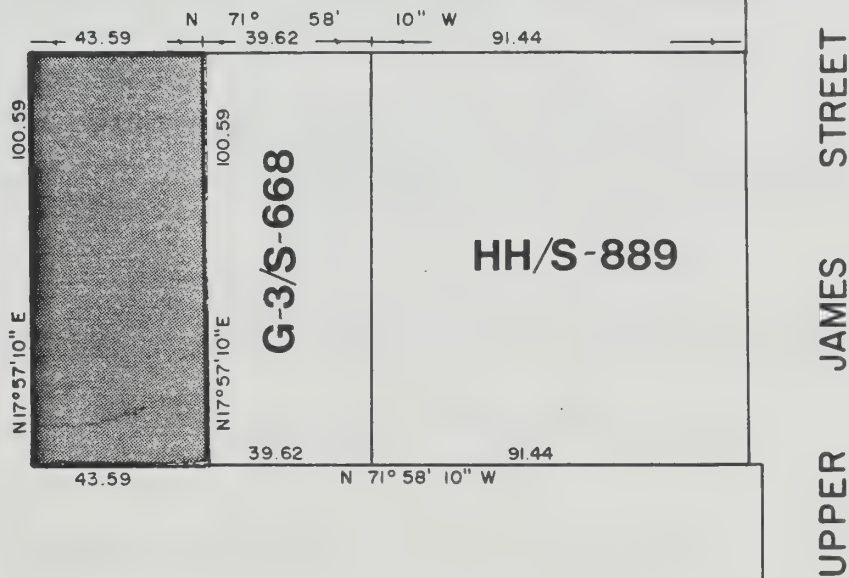
PASSED this day of

A.D. 19

CITY CLERK

MAYOR

(1989) 11 R.P.D.C. 15, April 25
John Bear Pontiac Buick, Owner
ZA-88-109



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No.
Passed the day of, 19

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No.

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA"(Agricultural) District to "G-3"(Public
Parking Lots)District, Modified.

North



Scale
NOT TO SCALE

Date
MAY, 1989

Reference File No.
ZA 88 - 109

Drawn By
R.J.M.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 2535 KING STREET EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-96 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "**HH**" (Restricted Community Shopping and Commercial) District to "**DE-3**" (Multiple Dwellings) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "**DE-3**" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10C.(1)(i) of Zoning By-law No. 6593, a residential care facility for the accommodation of a maximum of 20 residents being qualified Senior Citizens shall be permitted; and
- (b) a landscape planting strip having a minimum width of 1.5 m, and a visual barrier not less than 1.8 m in height and not greater than 2.0 m in height, shall be provided and maintained along the northerly property line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "**DE-3**" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1334.

5. Sheet No. E-96 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1334.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

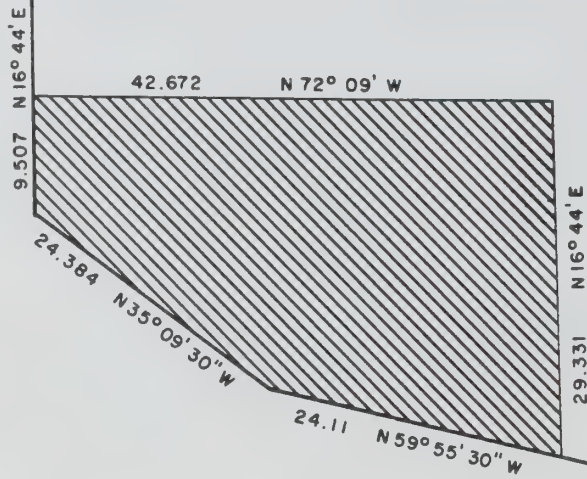
PASSED this day of A.D. 1994

CITY CLERK

MAYOR

(1994) 14 R.P.D.C. 1, October 11
Frank Ricci, Prospective Owner
Amended ZAC-94-17

POTTRUFF ROAD



KING STREET EAST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"HH" (Restricted Community
Shopping and Commercial) District to
"DE-3" (Multiple Dwellings) District,
Modified.

North



Scale
Not to Scale

Date
OCTOBER 1994

Reference File No.
ZAC-94-17

Drawn By
Z.K.

BY-LAW NO. 94-

TOTAL COSTS OF VARIOUS DEBENTURED PROJECTS

SCHEDULE "A" TO BY-LAW NO. 94

<u>Project</u>	<u>AUTHORIZED COST</u>		<u>BY-LAW NO.</u>
	<u>From</u>	<u>To</u>	
1) Traffic Operations Centre	\$6,180,000	\$6,109,970	89-40
2) West Mountain Twin Pad Arena	\$9,545,000	\$9,874,260	93-229
3) Fire Station No. 2/Stonechurch Rd.	\$1,400,000	\$1,412,810	89-302
4) Sackville Hill Seniors' Recreation Centre	\$3,694,000	\$3,766,520	93-090
5) Staff Facilities Building/Gage Park	\$ 460,000	\$ 464,130	90-268
6) Track & Field House/Mohawk Sports Park	\$ 440,000	\$ 442,630	90-267

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c. M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date on Schedule "A" attached hereto.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1.
 - (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
 - (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this

day of

A.D., 1994.

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	OWNER'S NAME(S) PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	1221 STONE CHURCH ROAD E DIETER, CASPER 06 07110 6735 CON 7, PART LOT 4 BTN HAM NOV 2, 1993 168417 NOV 2, 1994 \$48,382.87
B)	OWNER'S NAME(S) PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	HEWITT, JAMES ELLIOT 17 CLARE AVENUE 05 05110 6280 PLAN 487 LOT 91 DEC 1, 1993 170763 DEC 1, 1994 \$6,429.35
C)	OWNER'S NAME(S) PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	MELO, ANN MARIE 227 MARY STREET 02 01560 5880 SVY. N HUGHSON, PT LOT 23 & 24 APR 26, 1994 181467 APR 26, 1995 \$6,254.88
D)	OWNER'S NAME(S) PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	DOBES, KAREL & BARBARA JOAN 72 STONE CHURCH W. U7 08 09410 0035 WENTWORTH CONDO PLAN 168 LEVEL 1 UNIT 7 JUN 20, 1994 LT365707 JUN 20, 1995 \$8,584.36
E)	OWNER'S NAME(S) PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	LENNOX, RODNEY A. 97 AIKMAN STREET 03 02310 4610 CON 2, PT LOT 10 BTN HAM NOV 17, 1993 169425 NOV 17, 1994 \$9,502.24
F)	OWNER'S NAME(S) PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	TIMPERIO, MICHAEL 151 KINSLEA DRIVE 06 05630 6380 PLAN 964 PT LOT 24 DEC 21, 1993 172483 DEC 21, 1994 \$12,488.16

BY-LAW NO. 94 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 25TH DAY OF
OCTOBER A.D., 1994.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 25th day of October A.D. 1994

CITY CLERK

MAYOR



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

MEETING OF THE COUNCIL

OF THE CORPORATION OF THE CITY OF HAMILTON

URBAN MUNICIPAL

Tuesday, 1994 November 8

7:30 o'clock p.m.

Council Chambers, City Hall

NOV 8 1994

GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

A G E N D A

1. National Anthem.

2. Opening Prayer:

*Pastor G. Rittmeyer
Cumberland Christian Assembly
240 Cumberland Avenue*

3. Special Announcement:

*The Honourable David Christopherson
Solicitor General and Minister of Correctional Services*

4. Presentations:

(a) Certificate of Recognition:

Jim Witter

(b) 50th Anniversary Plaque

*Mike Meyer, Executive Director
Dr. Clinton Davis, Chairman of the Board
The Catholic Family Services of Hamilton-Wentworth*

(c) Piece of Tactile Art

*Bill Brown, District Manager of The Canadian National
Institute for the Blind*

5. Proclamations:

- | | | |
|-----|--|---|
| (a) | <i>Diabetes Month</i>
<i>November, 1994</i> | <i>Mac Paterson, Past President</i>
<i>The Canadian Diabetes Association</i> |
| (b) | <i>Unity in Diversity Week</i>
<i>November 6 - 12</i> | <i>Dr. Mehran Anvari</i>
<i>The Baha'i Community of Hamilton</i> |

6. Minutes from the meeting held 1994 October 25.

7. Petitions and Correspondence

8. Reports of the Standing Committees:

- (c) *Planning and Development Committee*
- (d) *Finance and Administration Committee*

9. Notices of Motion for Next Meeting

10. First Reading of the Bills

11. Second Reading of the Bills - Committee of the Whole

12. Third Reading of the Bills

13. Question Period

14. Adjournment.

MINUTES

1994 October 25

Minutes of Hamilton City Council
Tuesday, 1994 October 25
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. Morrow
Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was sung by Andrea Mathew.

* * * * *

Reverend Wycliff Clarke, Hamilton Church of God (Pentecostal) of Hamilton led Council in prayer.

<p>PRESENTATIONS</p>

- (a) Dr. Alfred S. McLaren, President of Science Services presented the City of Hamilton with a plaque respecting the 46th Annual International Science & Engineering Fair.
- (b) Mayor R. M. Morrow presented a Congratulation Certificate to Franco, Nicole, Leo and Christina Putignano owners of Shakespeare's Restaurant.

PROCLAMATIONS

Mayor R. M. Morrow proclaimed the following:

- (a) "50th Anniversary of the United Nations" Hamilton Branch - October 24th, 1994 (U.N. Day) to December 31st, 1995 - Brian Reed, President of the United Nations.

ADOPTION OF MINUTES

The minutes of the meeting held 1994 October 11 were adopted as circulated.

PETITIONS AND CORRESPONDENCE

1. Petition dated 1994 October 12, from Jim Aquila, 48 Proctor Boulevard respecting 44 Proctor Boulevard in opposition to the issuance of a Second Level Lodging Home licence.

Referred to the Licensing Committee.

2. Application dated 1994 October 13 from Domenic Carnicelli, Hamilton, Ontario for removal of the "H" Holding Provision from the "HH" (Restricted Community Shopping and Commercial) District, modified, for lands at Nos. 1425 and 1429 Upper James Street, Hamilton, Ontario.

Received.

3. Application dated 1994 October 7 from Gerald Elborne Coleman and Robert James Coleman, Dundas, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at No. 71 Rymal Road West, Hamilton, Ontario.

Received.

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be now considered in Committee of the Whole with Alderman Morelli in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTEENTH REPORT
--

Section 2 Re: Westdale B.I.A.

It was moved by Alderman Merling and seconded by Alderman Wilson that Section 2 of the Fourteenth Report for 1994 of the Transport and Environment Committee be referred back with direction that the Chief Administrative Officer meet with all parties involved (B.I.A., Traffic, Public Works and Ward Aldermen) on a comprehensive costing report on the proposed re-routing and report back to the Transport and Environment Committee.

Recorded vote.

YEAS: Aldermen Morelli, Wilson, Merling, Anderson, Ross. -5.

NAYS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Agostino, Eisenberger, Charters, Jackson, D'Amico. -11. **LOST.**

* * * * *

Section 2 Re: Westdale B.I.A. to approve

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Agostino, Charters, Jackson, D'Amico. -10.

NAYS: Aldermen Morelli, Wilson, Eisenberger, Merling, Anderson, Ross. -6.
CARRIED.

* * * * *

Section 11 Re: One Hour Parking Time Limit - Fieldway Dr. and Tanger Avenue

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 11 of the Fourteenth Report for 1994 of the Transport and Environment Committee be referred back.
CARRIED.

* * * * *

Section 19 (c) Re: Negotiations with Hamilton-Wentworth Region - Building Department responsibilities

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 19, sub-section (c) of the Fourteenth Report of the Transport and Environment Committee be amended by adding the following to the beginning of the sentence;

"The inspection of the construction and installation of the sewers for" **CARRIED.**

* * * * *

Section 23 Re: Permit Parking Regulation - Britannia Avenue

It was moved by Alderman Merling and seconded by Alderman Copps that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of an amendment to the City Traffic By-law No. 89-72.
CARRIED.

* * * * *

Section 23 Re: Permit Parking Regulation - Britannia Avenue

It was moved by Alderman Copps and seconded by Alderman Wilson that the Fourteenth Report of the Transport and Environment Committee for 1994 be amended by adding the following as Section 23:

- "(a) "That a Permit Parking Regulation be implemented on the east side of Fairfield Avenue commencing at a point 368 feet north of Britannia Avenue and extending to a point 18 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,
- (b) That leave be granted to introduce the following Bill:

A-75 A By-law to Amend By-law No. 89-72 to Regulate Traffic."

CARRIED.

* * * * *

Section 24 Re: No Right Turn on Red - Mall Road and Mohawk Road East.

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of an amendment to the City Traffic By-law No. 89-72.

CARRIED.

* * * * *

Section 24 Re: No Right Turn on Red - Mall Road and Mohawk Road East

It was moved by Alderman Merling and seconded by Alderman Anderson that the Fourteenth Report of the Transport and Environment Committee for 1994 be amended by adding the following as Section 24:

- "(a) That a "No Right Turn on Red" Prohibition be implemented for Northbound Traffic on Mall Road at Mohawk Road East from 8:00 a.m. to 6:00 p.m., Saturdays and Sundays only; and that the City Traffic By-law 89-72 be amended accordingly; and,
- (b) That leave be granted to introduce the following Bill:

A-76 A By-law to Amend By-law No. 89-72 to Regulate Traffic."

CARRIED.

Section 25 Re: Alternate Side Parking - East Ave. N. between Robert St. and Barton St.E.

It was moved by Alderman Merling and seconded by Alderman Drury that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of an amendment to the City Traffic By-law No. 89-72. **CARRIED.**

* * * * *

Section 25 Re: Alternate Side Parking - East Ave. N. between Robert St. and Barton St.E.

It was moved by Alderman Merling and seconded by Alderman Drury that the Fourteenth Report of the Transport and Environment Committee for 1994 be amended by adding the following as Section 25:

- "(a) That the existing "Alternate Side Parking" regulation on East Avenue North between Robert Street and Barton Street East be replaced with a "No Parking" regulation on the west side and a "Three Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation on the east side; and that the City Traffic By-law 89-72 be amended accordingly; and,
- (b) That leave be granted to introduce the following Bill:

A-77 A By-law to Amend By-law No. 89-72 to Regulate Traffic."
CARRIED.

* * * * *

Section 26 Re: One Hour Parking Time Limit - East 24th St.

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of an amendment to the City Traffic By-law No. 89-72. **CARRIED.**

* * * * *

Section 26 Re: One Hour Parking Time Limit - East 24th St.

It was moved by Alderman Merling and seconded by Alderman Anderson that the Fourteenth Report of the Transport and Environment Committee for 1994 be amended by adding the following as Section 26:

- "(a) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" Regulation be implemented on the east side of East 24th Street from the North Property Line of No. 105 to the South Property Line of No. 111 East 24th Street; and that the City Traffic By-law 89-72 be amended accordingly; and
- (b) That leave be granted to introduce the following Bill:

A-78 A By-law to Amend By-law No. 89-72 to Regulate Traffic." **CARRIED.**

PARKS AND RECREATION COMMITTEE - SEVENTEENTH REPORT

PARKS AND RECREATION COMMITTEE - EIGHTEENTH REPORT

Section 1 Re: Upper Kenilworth Avenue (Landron Avenue to Limeridge Rd. E.) - Landscaping

Recorded vote.

YEAS: Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -12.

NAYS: Alderman Copps. -1.

CARRIED.

RESOLUTIONS

Re: Community Use of Schools - Youth Groups

It was moved by Alderman Charters and seconded by Alderman Wilson that Section 1, sub-section (b) of the Eleventh Report of the Committee of the Whole for 1993 which deals with the 1994 Consolidated User Fees and more specifically the subsidized rates for Board of Education - Community Use of Schools - Youth Groups, be reconsidered. **CARRIED.**

* * * * *

Re: Community Use of Schools - Youth Groups

It was moved by Alderman Charters and seconded by Alderman Wilson that

- (a) That sub-section (b) of Section 1 of the Eleventh Report for 1993 of the Committee of the Whole respecting Community Use of Schools - Youth Groups be referred back to the Parks and Recreation Committee to review the additional fee increase to \$25. and reduce the fee to \$10. retroactive to 1994 September and effective until 1994 December; and
- (b) That the Chief Administrative Officer initiate discussions with the Board of Education on its rental fees for school use by youth groups and report back to the Parks and Recreation Committee. **CARRIED.**

* * * * *

Re: Community Use of Schools - Youth Groups

Recorded vote on reconsideration of Section 1 (b) of the Eleventh Report of the Committee of the Whole for 1993.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Anderson, D'Amico, Ross. -13.

NAYS: Alderman Jackson. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - FIFTEENTH REPORT

Section 3 (c) Re: Durand Markland Heritage Conservation District Plan

It was moved by Alderman Ross and seconded by Alderman D'Amico that Section 3(c) of the Fifteenth Report of the Planning and Development Committee be amended by inserting the following after the word "October" in the third line: "with the exception of the third paragraph of recommendation (13)". **CARRIED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Drury, Morelli, Wilson, Charters, Jackson, Merling, D'Amico, Ross. -10.

NAYS: Aldermen Kiss, Agro, McCulloch. -3.

CARRIED.

* * * * *

Section 3 (g) Re: Durand Markland Heritage Conservation District Plan

It was moved by Alderman Ross and seconded by Alderman D'Amico that the following be added as sub-section (g) of Section 3 of the Fifteenth Report of the Planning and Development Committee:

- (g) That the third paragraph of recommendation (13) of the Durand Markland Heritage Conservation District Plan reading as follows:

The present restriction on left-turns into the Heritage Conservation District from James Street should be maintained in order to limit an increase in through traffic,

be referred to the Transport and Environment Committee and Regional Council.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - SIXTEENTH REPORT

Section 8 (a) Re: Offer to Purchase - H.S.P.C.A. - Dartnall Road

It was moved by Alderman Ross and seconded by Alderman Wilson that Sub-section (a) of Section 8 of the Sixteenth Report for 1994 of the Finance and Administration Committee respecting the conveyance of City of Hamilton lands to the Hamilton Society for the Prevention of Cruelty to Animals, be deleted. **CARRIED**

* * * * *

Section 21 Re: Integration of Treasury/Finance Departments

It was moved by Alderman Ross and seconded by Alderman Cooke that Sub-section (e) and (f) of Section 21 of the Sixteenth Report for 1994 of the Finance and Administration Committee respecting the appointment of a Treasurer to head the Primary Department and the determination of the Service Provider for an Integrated Treasury and Finance Function, be referred to the next term of Council's Single Tier Administrative Review Steering Committee for consideration.

Recorded vote on Section 21 (e) and (f)

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Eisenberger, D'Amico, Ross. -12.

NAYS: Aldermen Morelli, Charters, Jackson, Merling, Anderson. -5. **CARRIED.**

Recorded vote on Section 21 as amended.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Wilson, Agostino, Eisenberger, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Morelli, Charters, Jackson, Merling. -4. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF NOVEMBER, 1994

It was moved by Alderman Cooke and seconded by Alderman Kiss that Alderman D. Agostino be appointed Acting Mayor for the month of November, 1994. **CARRIED.**

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills be now read a first time:

A-73, A-74, A-75, A-76, A-77, A-78.

C-54, C-55, C-56.

D-30, D-31, D-32.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the following Bills, with Alderman Morelli in the chair. (second reading).

A-73, A-74, A-75, A-76, A-77, A-78.
C-54, C-55, C-56.
D-30, D-31, D-32.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss that the Report of the Committee of the Whole on the following Bills, be adopted:

A-73, A-74, A-75, A-76, A-77, A-78.
C-54, C-55, C-56.
D-30, D-31, D-32.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

1994 October 25

It was moved by Alderman Cooke and seconded by Alderman Kiss that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-73, A-74, A-75, A-76, A-77, A-78.
C-54, C-55, C-56.
D-30, D-31, D-32.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 10:15 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz,
1994 October 25

CORRESPONDENCE

Correspondence:

1. Letter dated 1994 October 31 from Mr. Leslie Sugar, 94 Cline Avenue South, Hamilton respecting By-law 94-160.

Recommendation:

**Be Referred to the Finance and Administration
Committee**

To: Mayor Bob Morrow
Members of City Council
City of Hamilton

Oct.31/1994

From: Mr. Leslie Sugar
94 Cline Ave S.
Hamilton, Ontario
Canada. L8S 1X1
Fax: 905-528-0331

Re: By-law 94-160

Dear Mr. Morrow,

Regarding the above by-law, I was disappointed that the persons most affected were not consulted before the drafting of the new regulations. I like to bring the following to your attention. For small operators, the new tax (which is what the Certificate of Compliance is) is unwarranted. Although it may not be passed along immediately due to competitive circumstances, it is going to hurt the people who can least afford it, namely persons who can only afford to rent rooms instead of apartments. The present licence fee of \$175.00 is quite sufficient to cover a 10 minute inspection of my building which may be combined with the fire department inspection since they are coming anyway yearly. You could just include a building inspector on the fire crew on those specific inspection days. We should be concentrating on efficient solutions instead of taxing everyone and everything to the limit.

Many items in paragraph two run contrary to our democratic foundation. I respectfully suggest to each member of the council who voted on this and to the persons in the legal department who put their blessing on it, that none of you has the power to legislate anything that requires someone to provide any services for nothing. This is more than ridiculous. Only a registered charity is able to provide any service for gratis. Are any services provided free of charge at City Hall? Let me know, may be I am missing something. Yes, I do believe that as an entrepreneur I could use some of your suggestions and include it in the total rent (hide it) in order to entice persons to rent my rooms. But it is totally different from being legislated to provide it (those services) free of charge.

On the basis of the above, I request the above by-law to be rescinded. I remain available to give my expanded opinion on this matter to any member of the council.

Yours truly

Leslie Sugar

REPORTS

1994 November 8

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1994 and respectfully recommends:

1. That approval be given to Zoning Application ZAC-94-20, Primecan Holdings Inc., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of the subject lands, in conjunction with the lands to the north, for single-family detached dwellings, for lands located south of Towercrest Drive, between Upper Wellington Street and Colin Crescent, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That the Director of Local Planning be directed to prepare a by-law to amend Zoning By-law No. 6593 in a form satisfactory to the City Solicitor and Zoning District Map E-9B for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That approval be given to Zoning Application 94-25, Ned Janjic and Gerda Kugler, owners, requesting a further modification to the established "H" (Community Shopping and Commercial, etc.) District, to permit a billiard room on the second floor of the existing building, for lands located at No. 303 York Boulevard, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - (a) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law Nos. 83-192 and 94-008 applicable to the subject lands, be further modified, to include the following variance as a special requirement:
 - (i) Notwithstanding Section 14(1) of By-law No. 6593, a billiard room shall be permitted only on the second floor of the existing building; and,

1994 November 8

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-831b, and that the subject lands on Zoning District Map W-12 be notated S-831b; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
 - (d) That the proposed further modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. That the Building Commissioner be authorized and directed to refuse to issue the demolition permit for 68 King Street East pursuant to the provisions of the Ontario Heritage Act.
4. (a) That the 180-day delay of demolition be applied to the designated property at 68 King Street East (Victoria Hall) in accordance with the provisions of Section 34 of the Ontario Heritage Act and that the City Solicitor be authorized and directed to take the necessary action; and,
- (b) That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that Victoria Hall be evaluated for recognition as a National Historic Site.
5. That the conditions for eligibility for the Hamilton Disabled Programme be amended to provide loan assistance to owner/occupants of residential properties previously eligible for the Provincial Government's Ontario Home Renewal Programme - Disabled.
6. (a) That a By-law to consolidate By-law No. 74-74, the Property Standards By-Law, be enacted by City Council; and,
- (b) That By-law No. 74-74 passed on 1974 April 30 in accordance with the Planning Act, R.S.O. 1990, Chapter 13, be repealed.
7. That the request by River Dell Holdings Limited for a refund of a portion of the cash-in-lieu parking payment made under a cash-in-lieu parking agreement for 957-1009 Fennell Avenue East be denied.
8. That the Building Commissioner be directed to not issue a demolition permit for 98 Ward Avenue.

1994 November 8

9. That the Building Commissioner be authorized to issue a demolition permit for 1158 Upper Wentworth Street.
10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and twenty five dollars (\$1,725.) be approved for Irene Tonks, 202 East 23rd Street. The interest rate will be 8 per cent amortized over 5 years.
11. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of three hundred and ninety-five dollars (\$395.) be approved for Brenda Lockhart, 9 Hope Avenue. The interest rate will be 8 per cent amortized over 5 years.
12. That the Building Department, Loans Division, be directed to process a loan under the Community Heritage Trust Fund Loan to Rickey George Nelson and Susan Shannon Nelson, 111 Charles Street, in the amount of nine thousand, six hundred dollars (\$9,600.) at 3 1/2 percent interest amortized over a ten year period.
13.
 - (a) That the Community Improvement Plan for the International Village Business Improvement Area (B.I.A.), attached hereto and marked as APPENDIX "C", be adopted in order to implement the Commercial Loan Programs; and,
 - (b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
 - (c) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law.
14.
 - (a) That the Community Improvement Plan for the Downtown Hamilton Business Improvement Area (B.I.A.), attached hereto and marked as APPENDIX "D", be adopted in order to implement the Commercial Loan Programs; and,
 - (b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,
 - (c) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law.
15. That the appropriate staff (ie. Law Department, Planning Department) be authorized to attend the following Ontario Municipal Board Hearings respecting appeals from Committee of Adjustment decisions:
 - (a) Application No. A-94:167 - 43 Albemarle Street; and,

1994 November 8

(b) Application No. A-94:164 - 96 McElroy Road East

16. That leave be granted to introduce the following Bills:

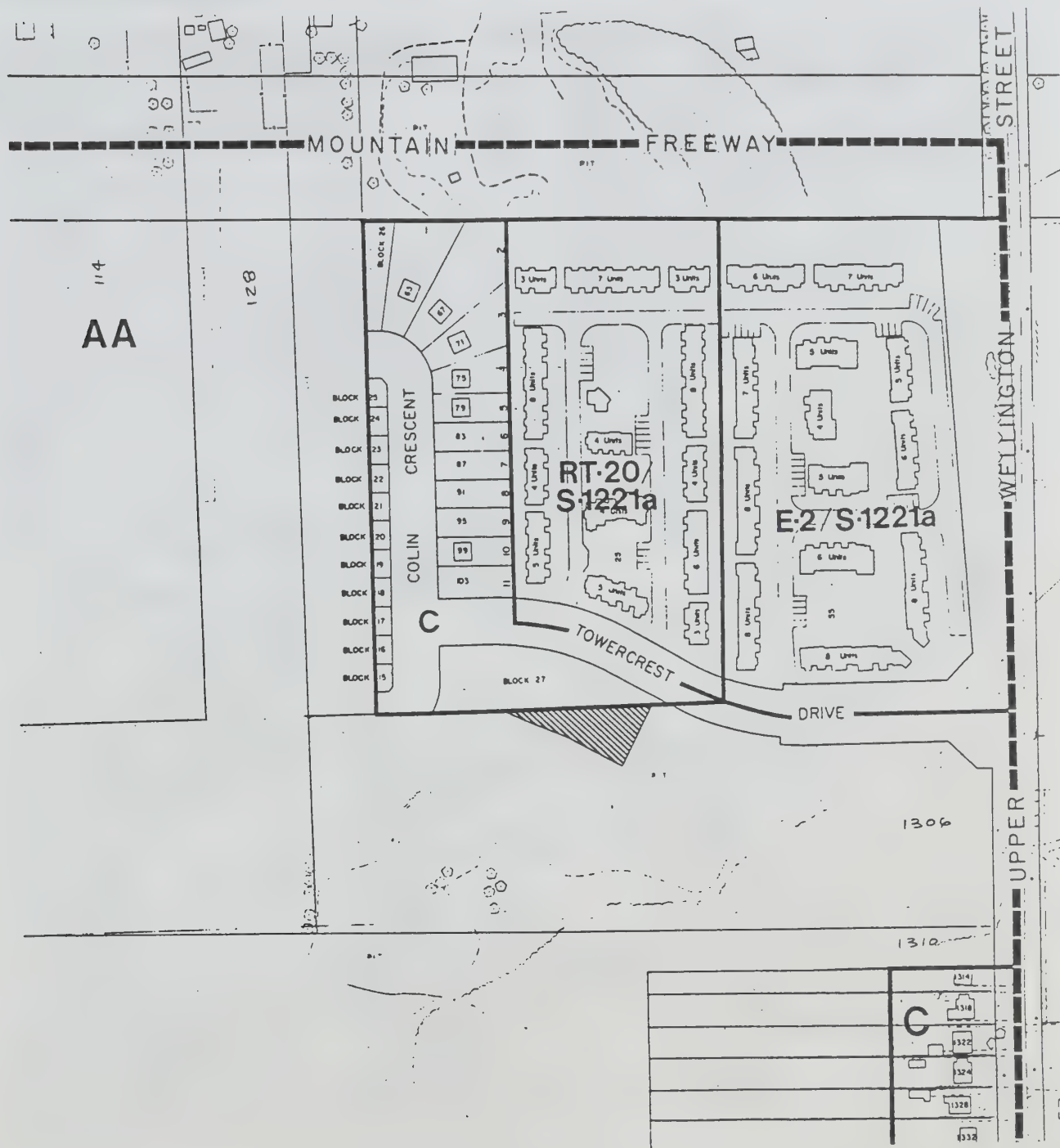
- (a) C-58 A By-law to designate as a Heritage Conservation District the area of Durand-Markland comprised of Markland Street (between James and Bay Streets), Chilton Place and MacNab Street South (between Markland and Herkimer Streets)
- (b) C-59 A By-law to Prescribe Standards for the Maintenance and Occupancy of Property
- (c) C-60 A By-law to Designate the Crown Point East/McNulty Neighbourhoods, the Downtown Hamilton B.I.A. and the International B.I.A. as Community Improvement Project Areas

Respectfully submitted,

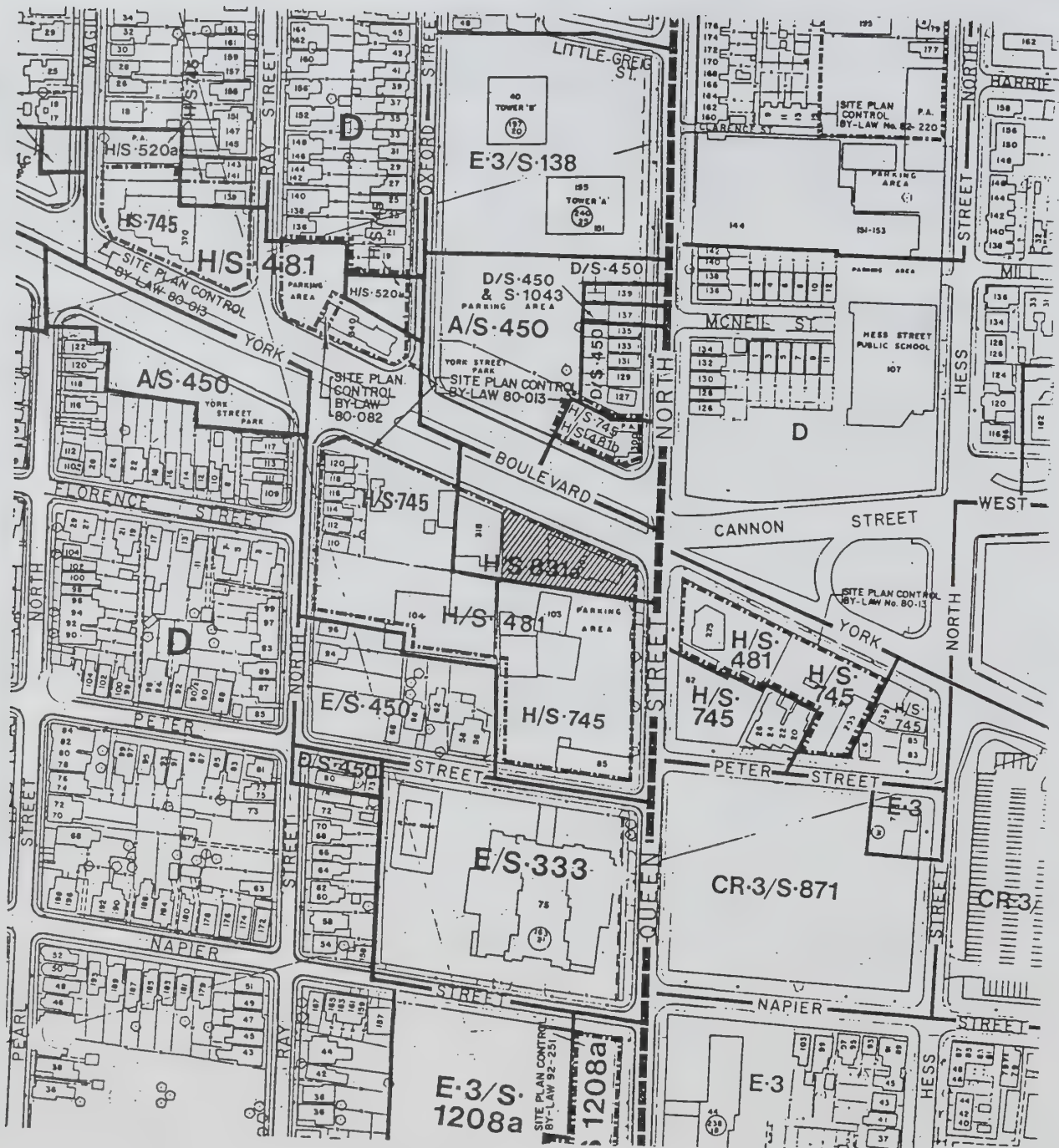
**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Charlene Touzel
Secretary
1994 November 2**

1994 November 8



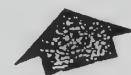
1994 November 8



Legend



Site of the Application



ZAR-94-25

1994 November 8

THE INTERNATIONAL VILLAGE

COMMUNITY IMPROVEMENT PLAN

1994 OCTOBER

1994 November 8

- 2 -

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PLAN

PURPOSE:

TO ESTABLISH A PLAN FOR THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL LOAN PROGRAMS.

PREFACE:

THE FOLLOWING PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA WHICH WILL ALSO BE DESIGNATED BY BY-LAW, BY HAMILTON CITY COUNCIL.

INTRODUCTION:

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PROJECT AREA FALLS WITHIN THE CENTRAL POLICY AREA AS PER THE CITY OF HAMILTON'S OFFICIAL PLAN. ACCORDINGLY, THE AREA IS TO BE PROMOTED AS A MULTI-USE NODE BY CREATING AN ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE, WORK, DO BUSINESS, SHOP OR VISIT. INTERNATIONAL VILLAGE IS A MAJOR COMMERCIAL AREA WITHIN THE CENTRAL POLICY AREA. IN AN EFFORT TO ENERGIZE AND REVITALIZE THE AREA, THE CITY OF HAMILTON HAS UNDERTAKEN IMPROVEMENTS TO THE STREETScape SUCH AS, BUT NOT LIMITED TO, INTERLOCKING BRICK, IMPROVED LIGHTING, INSTALLATION OF BENCHES, ETC. ANOTHER IMPORTANT ASPECT OF IMPROVING THE VISUAL APPEARANCE OF THE AREA INVOLVES THE UPGRADING OF EXISTING BUILDING FRONTS AND INTERIORS TO NOT ONLY INCREASE THE ATTRACTIVENESS OF THE AREA, BUT ALSO PROVIDE A TOOL FOR MERCHANTS TO IMPROVE THEIR COMMERCIAL IMAGES. SINCE THE AGE OF THE EXISTING BUILDINGS RANGE FROM NINETY TO SIXTY YEARS OLD, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS AND TENANTS OF BUILDINGS TO RENOVATE VIA LOANS ADMINISTERED UNDER THE COMMERCIAL LOAN PROGRAMS.

1994 November 8

- 3 -

COMMERCIAL LOAN PROGRAM

IN A REPORT SUBMITTED BY THE PUBLIC WORKS DEPARTMENT (NEE COMMUNITY DEVELOPMENT DEPARTMENT) DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF THE COMMERCIAL FACADE LOAN PROGRAM. SUBSEQUENTLY CITY COUNCIL AT ITS MEETING HELD 1986 JUNE 24 GAVE THE DEPARTMENT OF PUBLIC WORKS (NEE COMMUNITY DEVELOPMENT) AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAM BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE. FURTHERMORE, ON 1993 JANUARY 12, CITY COUNCIL APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL LOAN PROGRAM FOR THE UPGRADING OF THE INTERIOR OF COMMERCIAL BUILDINGS LOCATED WITHIN BUSINESS IMPROVEMENT AREAS. THE FUNDS FOR THE NEW PROGRAM WERE COMBINED WITH THE EXISTING COMMERCIAL FACADE LOAN PROGRAM FUNDS AND THE PROGRAM WAS RENAMED THE "COMMERCIAL LOAN PROGRAM".

THE INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA (B.I.A.) DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1990, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL LOAN PROGRAM TO BE IMPLEMENTED. THE PROGRAM IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS AND TENANTS FOR REHABILITATION AND IMPROVEMENTS TO COMMERCIAL PROPERTIES LOCATED IN (B.I.A.'S). A LOW INTEREST LOAN COVERING 100% OF THE ELIGIBLE EXTERIOR IMPROVEMENT COSTS TO A MAXIMUM OF \$15,000. PER MUNICIPAL ADDRESS IS AVAILABLE. IN ADDITION THE OWNER OF REAL PROPERTY MAY ALSO OBTAIN AN ADDITIONAL \$10,000. LOAN FOR INTERIOR IMPROVEMENTS. IN CASES WHERE AN OWNER OWNS SEVERAL PROPERTIES WITHIN A B.I.A. THE MAXIMUM ANY ONE OWNER CAN OBTAIN IS \$45,000. FOR THE EXTERIOR, AND \$30,000. FOR INTERIOR WORK. OWNERS OF BUSINESSES WHO DO NOT OWN ANY REAL PROPERTY MAY BORROW A MAXIMUM OF \$2,000. FOR MODIFICATIONS OR IMPROVEMENTS.

THE INTEREST RATE ON THE LOAN IS ONE-HALF OF THE PRIME INTEREST RATE AT THE BANK OF COMMERCE ON THE DATE THE LOAN AGREEMENT IS SIGNED.

THE LOAN IS AMORTIZED OVER A MAXIMUM OF 10 YEARS AND SECURED BY A LIEN REGISTERED ON TITLE AND/OR A PROMISSORY NOTE.

1994 November 8

- 4 -

THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL LOAN PROGRAM GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, AREA OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FACADES AND INTERIORS, RATHER THAN LARGE SCALE REDEVELOPMENT.

COMMERCIAL LOAN PROGRAM**GUIDELINES**

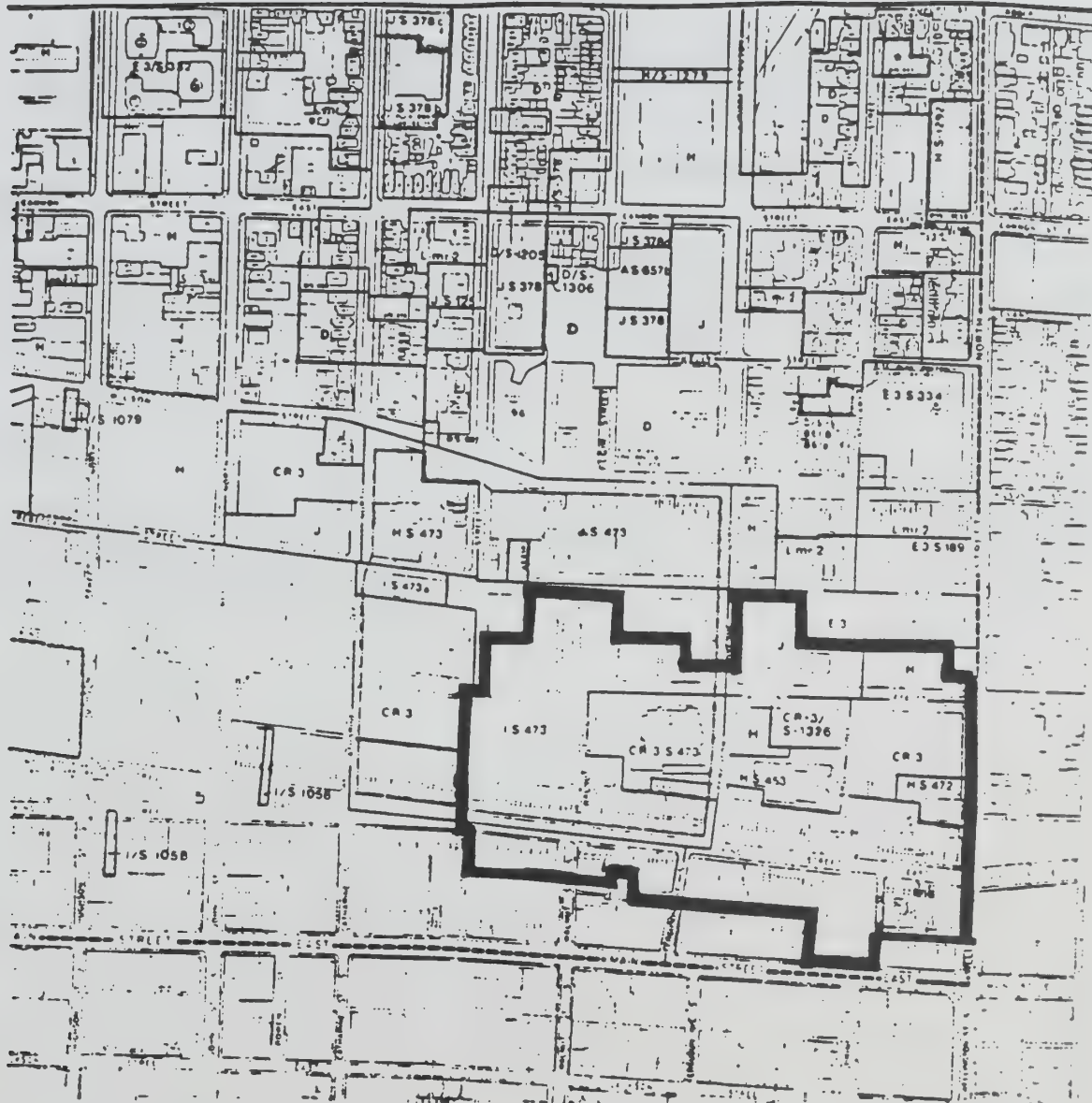
- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S)
- LOANS AT AN INTEREST RATE OF ONE-HALF OF THE CITY'S PRIME BORROWING RATE
- MAXIMUM LOAN AMOUNT \$15,000. PER PROPERTY OWNER FOR EXTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$10,000. PER PROPERTY OWNER FOR INTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$2,000. PER BUSINESS OPERATOR THAT DOES NOT OWN REAL PROPERTY
- MAXIMUM LOAN ANY ONE OWNER OF SEVERAL PROPERTIES WITHIN A B.I.A. CAN OBTAIN IS \$45,000. EXTERIOR, AND \$30,000 INTERIOR
- LOAN AMORTIZED OVER TEN YEARS (OPEN)
- BUILDING ENVELOPE TO BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES CORRECTED, BEFORE OPTIONAL IMPROVEMENTS DETERMINED BY OWNER OR OPERATOR.
- IMPROVEMENTS ELIGIBLE INCLUDE: RE-ROOFING; REPAINTING; REPOINTING MASONRY OR BRICKWORK; REPAIRING CORNICES AND OTHER ARCHITECTURAL DETAILS; REDESIGNED STORE FRONTS; REMOVAL OF INAPPROPRIATE SIGNAGE; INSTALLATION OF APPROPRIATE NEW SIGNAGE; WINDOW REPAIR AND RESTORATION; RESTORATION OF ORIGINAL FACADE APPEARANCE; CANOPIES AND AWNINGS; INTERIOR FIXTURES, INCLUDING PARTITIONS; INTERIOR DECORATING INCLUDING LIGHTING, PAINTING, WALLPAPER; "BUILT-IN" SHOWCASES, FREEZERS, SPECIAL PLUMBING; INTERIOR SIGNAGE, ETC.
- PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, SOLICITORS, ETC. ARE AN ELIGIBLE EXPENSE.
- LOAN REPAYED ON MONTHLY BASIS. NO PENALTY APPLIED FOR FULL PAYMENT BEFORE THE TERM OF LOAN.
- LOAN MAY BE TRANSFERRED TO A NEW OWNER PROVIDING THE NEW OWNER MEETS AND AGREES TO THE TERMS AND CONDITIONS OF THE LOAN (THIS APPROVAL MUST BE REQUESTED IN WRITING AND WILL BE CONFIRMED IN WRITING BY THE CITY).
- APPLICANT MUST BE THE REGISTERED OWNER OF THE COMMERCIAL PROPERTY
- OWNERS' OR TENANTS' TAXES AND B.I.A. LEVIES MUST BE CURRENT

1994 November 8

- 2 -

- LOANS MUST BE RECOMMENDED BY THE B.I.A. BOARD AND APPROVED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL
- NO RESTRICTIONS ON DEMOLITIONS EXCEPT THAT ANY OUTSTANDING LOANS MUST BE REPAYED TO THE MUNICIPALITY. BUILDINGS THAT ARE DESIGNATED UNDER THE HERITAGE ACT MAY HAVE MORE RESTRICTIONS APPLIED
- LOAN COMMITMENTS ARE VALID FOR ONE YEAR AND EXPIRE IF THE WORK IS NOT COMPLETED WITHIN THAT TIME PERIOD
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAM AFTER ORIGINAL CAPITAL BUDGET ALLOCATION
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS
- OWNER TO OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR EXTERIOR AND INTERIOR IMPROVEMENTS (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION)
- LOAN APPLICATION REVIEWED BY BUILDING DEPARTMENT, LOANS DIVISION WITH INPUT FROM THE B.I.A. BOARD, AND IN CASES OF HERITAGE BUILDINGS, THE CITY'S PLANNING DEPARTMENT
- REPORT SENT TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL RECOMMENDING APPROVAL OF LOAN
- LOAN COMMITMENT PROVIDED IN WRITING. ONLY AT THAT TIME CAN WORK BEING FUNDED COMMENCE
- PROGRESS PAYMENT MAY BE REQUESTED AND ISSUED AFTER INSPECTION AND CONFIRMATION WORK COMPLETED AS PER THE ONTARIO BUILDING CODE

1994 November 8



APPENDIX 'B'

All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285

<p>107/108 60 21 10 95 41 31 125</p> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>	<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p>
<p>Neighbourhood Boundary Zoning Boundary</p>	<p>0 100m</p> <p>SCALE</p>
<p>Prepared for The City of Hamilton by the Planning and Development Department or the Registrar of the Municipality of Hamilton</p>	<p>6703</p> <p>10</p>

1994 November 8

THE DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1994 OCTOBER

1994 November 8

- 2 -

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

PURPOSE:

TO ESTABLISH A PLAN FOR THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL LOAN PROGRAMS.

PREFACE:

THE FOLLOWING PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA WHICH WILL ALSO BE DESIGNATED BY BY-LAW, BY HAMILTON CITY COUNCIL.

INTRODUCTION:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA FALLS WITHIN THE CENTRAL POLICY AREA AS PER THE CITY OF HAMILTON'S OFFICIAL PLAN. ACCORDINGLY, THE AREA IS TO BE PROMOTED AS A MULTI-USE NODE BY CREATING AN ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE, WORK, DO BUSINESS, SHOP OR VISIT. DOWNTOWN HAMILTON IS A MAJOR COMMERCIAL AREA WITHIN THE CENTRAL POLICY AREA. IN AN EFFORT TO ENERGIZE AND REVITALIZE THE AREA, THE CITY OF HAMILTON HAS UNDERTAKEN IMPROVEMENTS TO THE STREETScape SUCH AS, BUT NOT LIMITED TO, INTERLOCKING BRICK, IMPROVED LIGHTING, INSTALLATION OF BENCHES, ETC. ANOTHER IMPORTANT ASPECT OF IMPROVING THE VISUAL APPEARANCE OF THE AREA INVOLVES THE UPGRADING OF EXISTING BUILDING FRONTS AND INTERIORS TO NOT ONLY INCREASE THE ATTRACTIVENESS OF THE AREA, BUT ALSO PROVIDE A TOOL FOR MERCHANTS TO IMPROVE THEIR COMMERCIAL IMAGES. SINCE THE AGE OF THE EXISTING BUILDINGS RANGE FROM ONE HUNDRED AND THIRTY YEARS OLD TO SEVENTY YEARS OLD, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS AND TENANTS OF BUILDINGS TO RENOVATE VIA LOANS ADMINISTERED UNDER THE COMMERCIAL LOAN PROGRAMS.

1994 November 8

- 3 -

COMMERCIAL LOAN PROGRAM

IN A REPORT SUBMITTED BY THE PUBLIC WORKS DEPARTMENT (NEE COMMUNITY DEVELOPMENT DEPARTMENT) DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF THE COMMERCIAL FACADE LOAN PROGRAM. SUBSEQUENTLY CITY COUNCIL AT ITS MEETING HELD 1986 JUNE 24 GAVE THE DEPARTMENT OF PUBLIC WORKS (NEE COMMUNITY DEVELOPMENT) AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAM BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE. FURTHERMORE, ON 1993 JANUARY 12, CITY COUNCIL APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL LOAN PROGRAM FOR THE UPGRADING OF THE INTERIOR OF COMMERCIAL BUILDINGS LOCATED WITHIN BUSINESS IMPROVEMENT AREAS. THE FUNDS FOR THE NEW PROGRAM WERE COMBINED WITH THE EXISTING COMMERCIAL FACADE LOAN PROGRAM FUNDS AND THE PROGRAM WAS RENAMED THE "COMMERCIAL LOAN PROGRAM".

THE DOWNTOWN HAMILTON BUSINESS IMPROVEMENT AREA (B.I.A.) DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1990, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL LOAN PROGRAM TO BE IMPLEMENTED. THE PROGRAM IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS AND TENANTS FOR REHABILITATION AND IMPROVEMENTS TO COMMERCIAL PROPERTIES LOCATED IN (B.I.A.'S). A LOW INTEREST LOAN COVERING 100% OF THE ELIGIBLE EXTERIOR IMPROVEMENT COSTS TO A MAXIMUM OF \$15,000. PER MUNICIPAL ADDRESS IS AVAILABLE. IN ADDITION THE OWNER OF REAL PROPERTY MAY ALSO OBTAIN AN ADDITIONAL \$10,000. LOAN FOR INTERIOR IMPROVEMENTS. IN CASES WHERE AN OWNER OWNS SEVERAL PROPERTIES WITHIN A B.I.A. THE MAXIMUM ANY ONE OWNER CAN OBTAIN IS \$45,000. FOR THE EXTERIOR, AND \$30,000. FOR INTERIOR WORK. OWNERS OF BUSINESSES WHO DO NOT OWN ANY REAL PROPERTY MAY BORROW A MAXIMUM OF \$2,000. FOR MODIFICATIONS OR IMPROVEMENTS.

THE INTEREST RATE ON THE LOAN IS ONE-HALF OF THE PRIME INTEREST RATE AT THE BANK OF COMMERCE ON THE DATE THE LOAN AGREEMENT IS SIGNED.

THE LOAN IS AMORTIZED OVER A MAXIMUM OF 10 YEARS AND SECURED BY A LIEN REGISTERED ON TITLE AND/OR A PROMISSORY NOTE.

1994 November 8

- 4 -

THE ATTACHED APPENDIX 'A' CONSTITUTES THE COMMERCIAL LOAN PROGRAM GUIDELINES. APPENDIX 'B' IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA OR, AREA OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATING OR UPDATING EXISTING BUILDING FACADES AND INTERIORS, RATHER THAN LARGE SCALE REDEVELOPMENT.

COMMERCIAL LOAN PROGRAM**GUIDELINES**

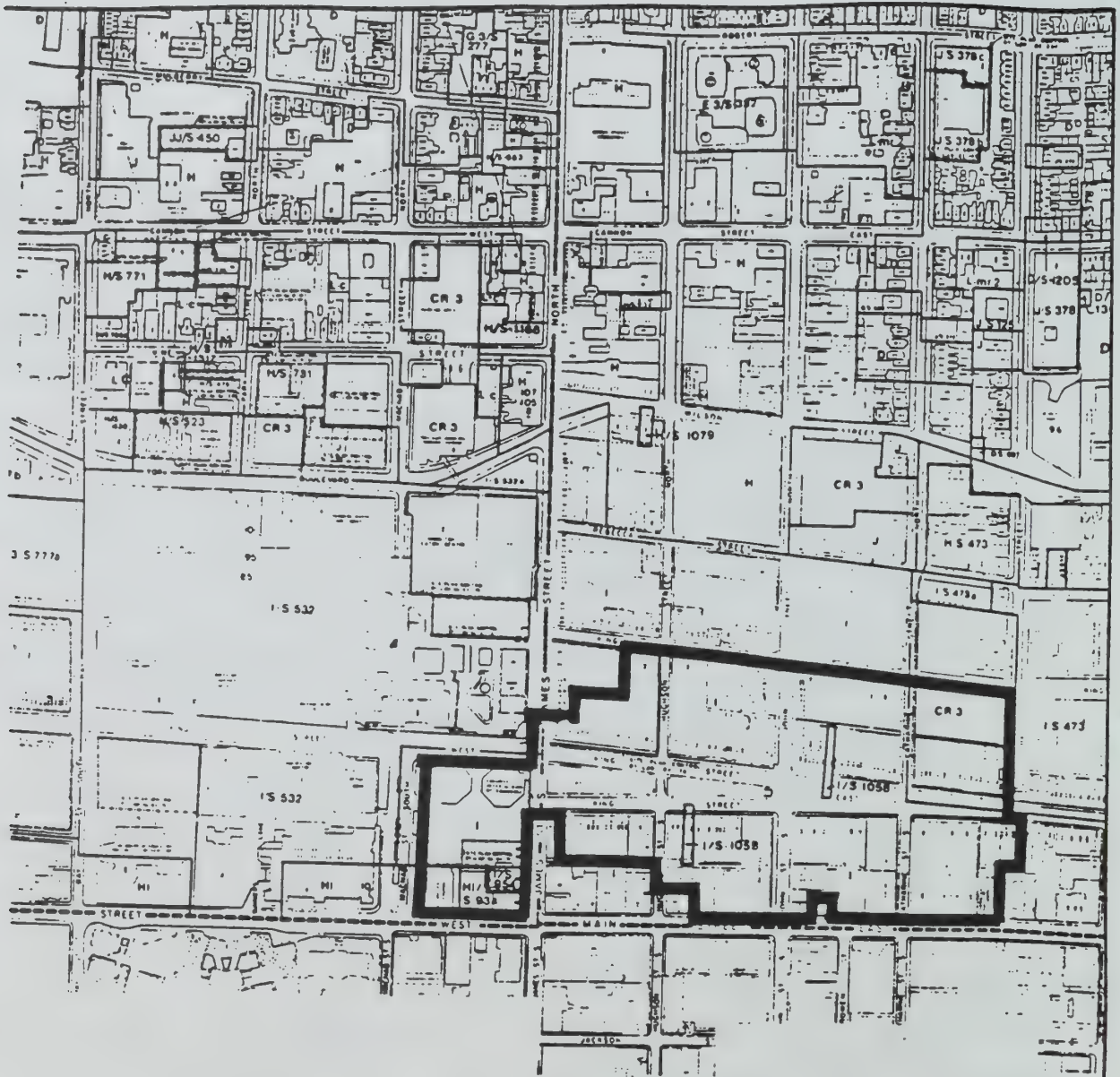
- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S)
- LOANS AT AN INTEREST RATE OF ONE-HALF OF THE CITY'S PRIME BORROWING RATE
- MAXIMUM LOAN AMOUNT \$15,000. PER PROPERTY OWNER FOR EXTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$10,000. PER PROPERTY OWNER FOR INTERIOR IMPROVEMENTS
- MAXIMUM LOAN AMOUNT OF \$2,000. PER BUSINESS OPERATOR THAT DOES NOT OWN REAL PROPERTY
- MAXIMUM LOAN ANY ONE OWNER OF SEVERAL PROPERTIES WITHIN A B.I.A. CAN OBTAIN IS \$45,000. EXTERIOR, AND \$30,000 INTERIOR
- LOAN AMORTIZED OVER TEN YEARS (OPEN)
- BUILDING ENVELOPE TO BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES CORRECTED, BEFORE OPTIONAL IMPROVEMENTS DETERMINED BY OWNER OR OPERATOR.
- IMPROVEMENTS ELIGIBLE INCLUDE: RE-ROOFING; REPAINTING; REPOINTING MASONRY OR BRICKWORK; REPAIRING CORNICES AND OTHER ARCHITECTURAL DETAILS; REDESIGNED STORE FRONTS; REMOVAL OF INAPPROPRIATE SIGNAGE; INSTALLATION OF APPROPRIATE NEW SIGNAGE; WINDOW REPAIR AND RESTORATION; RESTORATION OF ORIGINAL FACADE APPEARANCE; CANOPIES AND AWNINGS; INTERIOR FIXTURES, INCLUDING PARTITIONS; INTERIOR DECORATING INCLUDING LIGHTING, PAINTING, WALLPAPER; "BUILT-IN" SHOWCASES, FREEZERS, SPECIAL PLUMBING; INTERIOR SIGNAGE, ETC.
- PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, SOLICITORS, ETC. ARE AN ELIGIBLE EXPENSE)
- LOAN REPAID ON MONTHLY BASIS. NO PENALTY APPLIED FOR FULL PAYMENT BEFORE THE TERM OF LOAN.
- LOAN MAY BE TRANSFERRED TO A NEW OWNER PROVIDING THE NEW OWNER MEETS AND AGREES TO THE TERMS AND CONDITIONS OF THE LOAN (THIS APPROVAL MUST BE REQUESTED IN WRITING AND WILL BE CONFIRMED IN WRITING BY THE CITY).
- APPLICANT MUST BE THE REGISTERED OWNER OF THE COMMERCIAL PROPERTY
- OWNERS' OR TENANTS' TAXES AND B.I.A. LEVIES MUST BE CURRENT

1994 November 8

- 2 -

- LOANS MUST BE RECOMMENDED BY THE B.I.A. BOARD AND APPROVED BY THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL
- NO RESTRICTIONS ON DEMOLITIONS EXCEPT THAT ANY OUTSTANDING LOANS MUST BE REPAYED TO THE MUNICIPALITY. BUILDINGS THAT ARE DESIGNATED UNDER THE HERITAGE ACT MAY HAVE MORE RESTRICTIONS APPLIED
- LOAN COMMITMENTS ARE VALID FOR ONE YEAR AND EXPIRE IF THE WORK IS NOT COMPLETED WITHIN THAT TIME PERIOD
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAM AFTER ORIGINAL CAPITAL BUDGET ALLOCATION
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS
- OWNER TO OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR EXTERIOR AND INTERIOR IMPROVEMENTS (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION)
- LOAN APPLICATION REVIEWED BY BUILDING DEPARTMENT, LOANS DIVISION WITH INPUT FROM THE B.I.A. BOARD, AND IN CASES OF HERITAGE BUILDINGS, THE CITY'S PLANNING DEPARTMENT
- REPORT SENT TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL RECOMMENDING APPROVAL OF LOAN
- LOAN COMMITMENT PROVIDED IN WRITING. ONLY AT THAT TIME CAN WORK BEING FUNDED COMMENCE
- PROGRESS PAYMENT MAY BE REQUESTED AND ISSUED AFTER INSPECTION AND CONFIRMATION WORK COMPLETED AS PER THE ONTARIO BUILDING CODE

1994 November 8



APPENDIX 'B'

All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

<table border="1"> <tr><td>40</td><td>107</td><td>106</td></tr> <tr><td>127</td><td>21</td><td>10</td></tr> <tr><td>92</td><td>41</td><td>31</td></tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p>	40	107	106	127	21	10	92	41	31	<p>CITY OF HAMILTON</p> <p>CENTRAL ZONING</p>	
40	107	106									
127	21	10									
92	41	31									
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p> <p>Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth</p>	<p>6704</p>	<p>21</p>									

<p>CITY OF HAMILTON</p> <p>BEASLEY ZONING</p>	
<p>6703</p>	<p>10</p>

1994 November 8

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1994 and respectfully recommends:

1. That a one-time financing provision be made to the Hamilton Public Library up to a maximum of \$550,000., depending on their need by year-end to assist with the transitional costs for implementing the 1994 Current Budget reduction packages.
2. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:
 - (i) 167 Park Row North
 - (ii) 185 Fennell Avenue East
 - (iii) 101 Munn
- (b) That the City Solicitor be authorized to prepare the appropriate by-law; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
3. (a) That the 1995 General and Convention/Reception Grant Applications and Policies be made available, consistent with the issuance of the 1994 Grant Applications and Policies, with a 1994 December 31 deadline for the General Grant Applications; and,
- (b) That the process for reviewing and approving of these 1995 Grant Applications be considered by the Finance and Administration Committee by the end of 1995 January.

1994 November 8

4.
 - (a) That approval be granted to host a Public Meeting for Development Charges on 1994 December 8th in accordance with the Development Charges Act, for the purposes of reviewing existing development charge policies and to advise the public of the City's intent to pass a new development charges by-law; and,
 - (b) That Hemson Consulting Limited be retained by the City to assist in the review and development of the Development Charges Study to commence 1994 November 9, and to be completed by 1995 March 1, based on a proposal submitted by them; and,
 - (c) That an upset limit of \$35,000. for consulting services for this project be allocated from Account CH55406-24101 Fees-Consultants as provided for in the 1994 Current Budget.
5. That in furtherance of the City's Initiatives in the Downtown, the Mayor, on behalf of Hamilton City Council, meet with the Provincial Minister of Housing and area members of the Provincial Parliament to request funding for the Downtown Integrated Housing Proposal and the Barton/Ferguson Townhouse Proposal submitted by the Municipal Non-Profit (Hamilton) Housing Corporation under Wave 3 of the JobsOntario Homes Program.
6.
 - (a) That the City of Hamilton renew the Master Lease for space occupied at City Hall by the Regional Municipality of Hamilton-Wentworth, for a period of four (4) years commencing 1994 December 1 and terminating 1998 November 30, being subject to approval of the Regional Administrative Services Committee and Regional Council; and,
 - (b) That the City of Hamilton renew the lease with the Regional Municipality of Hamilton-Wentworth for space occupied by the Social Services Department at 74 Hughson Street South for a period of four (4) years commencing 1994 December 1 and terminating 1998 November 30. The four (4) year term is only for the establishment of the rent. Either party may cancel the lease upon ninety (90) days written notice; and,
 - (c) That the Mayor and City Clerk be authorized to execute a lease document(s) satisfactory to the City Solicitor; and,
 - (d) That lease renewals for Sections (a) and (b) above be based on the following Rent Schedules:

1994 November 8

RENT COMPUTATIONS

CITY HALL

PLANNING DEPARTMENT

TOTAL

- | | | | |
|-----|-----|---|---------------------------|
| (i) | (1) | 1994 December 1 to 1997 November 30 - 7th Floor -
West Wing - 6,171 square feet
6,171 sq. ft. @ \$14.30 per sq. ft. per annum | \$ 88,245.30
per annum |
| | (2) | 1997 December 1 to 1998 November 30 - 7th Floor -
West Wing - 6,171 square feet
6,171 sq. ft. @ \$12. per sq. ft. per annum | \$ 74,052.
per annum |

ENGINEERING DEPARTMENT

TOTAL

- | | | | |
|-------|-----|---|---------------------------|
| (ii) | (1) | 1994 December 1 to 1997 November 30 - 7th Floor -
East Wing - 2,858 square feet
2,858 sq. ft. @ \$14.30 per sq. ft. per annum | \$ 40,869.40
per annum |
| | (2) | 1997 December 1 to 1998 November 30 - 7th Floor -
East Wing - 2,858 square feet
2,858 sq. ft. @ \$12. per sq. ft. per annum | \$ 34,296.
per annum |
| (iii) | (1) | 1994 December 1 to 1997 November 30
6th Floor - Full Floor - 9,029 square feet
9,029 sq. ft. @ \$14.30 per sq. ft. per annum | \$129,114.70
per annum |
| | (2) | 1997 December 1 to 1998 November 30
6th Floor - Full Floor - 9,029 square feet
9,029 sq. ft. @ \$12. per sq. ft. per annum | \$108,348.
per annum |
| (iv) | (1) | 1994 December 1 to 1997 November 30
5th Floor - East Wing - 2,933 square feet
2,933 sq. ft. @ \$14.30 per sq. ft. per annum | \$ 41,941.90
per annum |
| | (2) | 1997 December 1 to 1998 November 30
5th Floor - East Wing - 2,933 square feet
2,933 sq. ft. @ \$12. per sq. ft. per annum | \$ 35,196.
per annum |

1994 November 8

(v)	Basement Vault - Jointly by City and Region 800 sq. ft. 800 sq. ft. @ \$5.50 per sq. ft. per annum	\$ 4,400. <u>per annum</u>
	Total Engineering Department - 1994 December 1 to 1997 November 30	<u>\$216,326.</u> per annum
	Total Engineering Department - 1997 December 1 to 1998 November 30	<u>\$182,240.</u> per annum
	Total Rented Space in City Hall - 1994 December 1 to 1997 November 30	<u>\$304,571.30</u> per annum
	Total Rented Space in City Hall - 1997 December 1 to 1998 November 30	<u>\$256,292.</u> per annum

SOCIAL SERVICES

(vi)	1994 December 1 to 1998 November 30 <u>74 Hughson Street South - First Floor</u> 5,032.75 sq. ft. @ \$10.50 per sq. ft. per annum	\$ 52,843.87 per annum
(vii)	<u>15 Hunter Street East - Second & Third Floor</u> 13,622 sq. ft. @ \$10. per sq. ft. per annum	\$136,220. <u>per annum</u>
	TOTAL	\$189,063.87

- (e) That in addition to rent paid, the Region is responsible for their proportionate share of the increase in operating costs over the Base Year of 1994. All amounts payable shall be deemed to be additional rent; and,
- (f) That it is understood and agreed that the Region will be paying a rental of \$14.30 per square foot per annum for space occupied in City Hall for the first three (3) years of this lease rather than the current market rent of \$12. per square foot on the condition that, the City as Landlord will replace the carpeting within the Regional space being leased in City Hall estimated at \$142,000. The replacement of carpet will be processed through the City's Capital Budget and if ultimately not approved by City Council, the rent for space occupied by the Region will revert to the current market rent of \$12. per square foot and adjustments made accordingly.

1994 November 8

7. (a) That the Mayor and City Clerk be authorized to execute the acceptance of an Offer to Purchase to be made by the Hamilton Society for the Prevention of Cruelty to Animals (S.P.C.A.) in a form satisfactory to the Director of Property and the City Solicitor for the conveyance by the City of Hamilton of Lots 8, 9, 10 and 11 plus Block 12 (subject to an easement in favour of Trans Canada PipeLine Limited) Plan 62M-658, having a frontage of 151.4 metres (496.72 feet) along the eastern limit of Dartnall Road by a depth of 102.330 metres/100.347 metres (335.728 feet/329.222 feet) having an area of 1.536 hectares (3.795 acres) for the sum of \$1., and that the transaction be completed on or before 1994 December 15, incorporating the terms set out below; and,
- (b) That the Offer to Purchase shall include the following terms and conditions:
- (i) That the Purchaser agrees that the herein transaction is conditional upon the successful completion of the purchase of the herein described land by the Vendor, the Corporation of the City of Hamilton, from the Regional Municipality of Hamilton-Wentworth; and,
- (ii) That in consideration for the grant of the land herein described to the Purchaser, in addition to the payment of \$1. to the Vendor, the Purchaser covenants and agrees to and with the Vendor:
- (1) That the land shall be used solely for a non profit animal shelter facility operated by the Purchaser; and,
- (2) That if the land, in the opinion of the City reasonably arrived at, is used other than as stated in the preceding provision, or contrary to the furtherance of the Purchaser's Objects set out in its Letters Patent as of 1938 June 6; and,
- (3) That if the Purchaser, for whatever reason, ceases to provide upon the said land, animal control and animal welfare services to the City; and,
- (4) That the Purchaser shall commence construction of the facility described in Section (b)(ii)(1) above as provided for in the approved site plan(s) and the approved detailed plans, upon the hereinbefore described land, by not later than 1995 March 15, (Construction is considered commenced when the footings have been installed as determined by the Office of the Building Commissioner); and,

1994 November 8

- (5) That the Purchaser shall proceed diligently thereafter to complete construction and shall have incurred on or before 1996 January 31 at least 85% of the project's costs; and,
- (c)
 - (i) That in the event that the Purchaser does not comply with its covenants and agreements to and with the Vendor set out above within the required time limits (if any) set out above, the Purchaser covenants and agrees:
 - (1) With respect to Sections (b)(ii)(1)(2)(4) and (5); and,
 - (2) With respect to Sections (b)(ii)(3) upon not less than six months notice; and,
 - (ii) That the Purchaser shall, if required by the Vendor, by a date specified by the Vendor:
 - (1) Sell subject land at its Fair Market Value, or
 - (2) Sell, reconvey or transfer the subject land to the Corporation of the City of Hamilton, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever at its then Fair Market Value; and,
- (d) That upon completing the sale referred to in Section (b)(c)(ii)(1) above, the S.P.C.A. shall direct that the proceeds of the sale be distributed between the City and the S.P.C.A. as follows: 67.15% to the City and 32.85% to the S.P.C.A.; and,
- (e) That where the City exercises its right to reacquire the property at its then Fair Market Value, as referred to in Section (c)(ii)(2) above or Section (f) below, if the S.P.C.A. and the City do not agree on the then Fair Market Value, the Fair Market Value of the property shall be determined by an appraisal report prepared by an appraiser whose selection is satisfactory to the City and to the S.P.C.A. The cost of the appraisal shall be borne equally by the City and the S.P.C.A. Upon such purchase the City shall only be liable to pay the S.P.C.A. for the S.P.C.A.'s interest in the property, namely 32.85% of the Fair Market Value; and,

1994 November 8

- (f) That providing the City has not exercised its rights in Section (c) above and the City does not have the grounds to do so, and providing the City has received at least six months notice of the Society's intention to sell and the City has not during that period given notice to the Society of the City's intention to acquire the property at its Fair Market Value, the S.P.C.A. may (after the expiry of not less than 20 years from taking title to the subject property,) sell the subject land and, if it does so, the Society agrees that the City shall receive 67.15% of the proceeds of the sale; and,
- (g) That in the event that, for whatever reason, the S.P.C.A. ceases to provide upon the said land animal control and animal welfare services to the City, the S.P.C.A. may on not less than six months notice to the City prior to the expiry of the said 20 year period, (notwithstanding the 20 year period referred to in Section (f) above,) sell the land at its then Fair Market Value and distribute the proceeds as follows: 67.15% to the City and 32.85% to the S.P.C.A.. During the said six month notice period the City may give notice to the S.P.C.A. of the City's intention to acquire the property at its Fair Market Value, in which event the property shall be sold to the City in accordance with Section (e) above; and,
- (h) That the City's deed to the Purchaser shall be subject to and include the Purchaser's covenants, restrictions and agreements in favour of the City in Sections (b)(1)(2)(3) and Sections (c)(d)(e)(f)(g) and (i) in a form satisfactory to the City Solicitor and the deed to the Purchaser shall be executed by the Purchaser (for purposes of the said covenants, restrictions and agreements in favour of the City), well in advance of closing and prior to the execution of the deed by the City; and,
- (i) That the parties agree from time to time to enter into an agreement to revise the said proceeds formula of 67.15% to the City and 32.85% to the S.P.C.A. to reflect additions or other improvements of a capital nature to the building(s) on the said land paid by either party. Such amending agreement shall be entered into prior to construction of an addition or improvement of a capital nature. Such amending agreement on the part of the City shall not by itself impose any obligation on the City to pay the initial capital cost or maintenance of such addition or improvement of a capital nature; and,

1994 November 8

- (j) That the parties acknowledge and agree that currently the S.P.C.A. annually approaches the City with respect to approval of an annual contract for services it renders to the City. The City has retained the services of the S.P.C.A. on an annual basis since 1951. Currently the City has the right to accept or reject the S.P.C.A.'s annual offer of services.

The City's present allocation of infrastructure funds and contribution towards the Dartnall Road site of the new facility does not alter the said working relationship between the City and the S.P.C.A.. The City will, under the terms of this Offer to Purchase, retain its right to approve or not approve an annual Agreement with the S.P.C.A.; and,

- (k) That the agreement shall also be conditional upon:

- (i) The Purchaser entering into an Agreement with the Corporation of the City of Hamilton (prior to the completion of the conveyance of the land to the Purchaser) providing for the terms and conditions under which Infrastructure funding is intended to be provided towards the construction cost of the Purchaser's facility to be built and under which the expenditure of monies of the Federal-Provincial Infrastructure Programme shall proceed; and,
- (ii) The Purchaser obtaining a building permit and all other approvals required of it by the Corporation of the City of Hamilton prior to commencement of construction; and,

- (l) That the Purchaser agrees that it shall diligently use its best efforts to complete a sale transaction of land described as part of lot 32, Broken Front Concession, Geographic Township of Saltfleet, in the City of Hamilton, municipally known as 658 Parkdale Avenue North, Hamilton to a third party purchaser. If the property is listed and prior to accepting any Offer, the Purchaser shall request the approval of the City Director of Property to the sale price. The Purchaser's plan is to complete such sale no later than twenty-four (24) calendar months from the substantial completion of construction, as defined in an Agreement dated the 1994 October 5, between the Vendor and Purchaser, of the new facility for the Purchaser on the Dartnall Road location. If the Purchaser has not completed the sale as aforesaid, this shall not constitute a default which would entitle the city to re-acquire the Dartnall Road location. If after the expiry of the said 24 month period the property remains not sold, the Purchaser shall, if requested by the City, convey for \$1. the Parkdale site to the City free and clear of all encumbrances; and,

1994 November 8

- (m) That the S.P.C.A. shall direct that the sale price received, in respect of the Parkdale property sale be paid to the Corporation of the City of Hamilton forthwith upon its receiving the sale money and such money shall not be retained by the S.P.C.A. for any other purpose. The Purchaser and the Vendor acknowledge and agree that the only consideration payable by the Purchaser to the City for the new Dartnall Road location is the proceeds of sale from the sale of the Parkdale property; the insurance proceeds referred to below or the conveyance to the City referred to herein.

The parties agree that the difference between the Parkdale sale proceeds received by the City and the Fair Market Value of \$342,000. of the Dartnall Road site, is a gift by the City to this S.P.C.A. project, subject to the other provisions of this Agreement.

8. That the City Solicitor be authorized to prepare the appropriate By-law to consolidate the Treasurer's By-law No. 71-69 respecting the levying of municipal taxes.
9. That a purchase order be issued to Carrier Truck Centre Inc., Brantford, in the amount of \$333,925.50, all applicable taxes included, for the purchase of three (3) 52,000 lb. GVW Chassis with 20 Cubic Yard Rear Loading Refuse Packer Bodies for Fleet Services, being the lowest of four tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X504 00101.
10. That approval be given to the actions taken by the Finance and Administration Committee in approving the placement of a mobile sign on the City Hall forecourt to promote the Hamilton Tiger-Cat Game on Sunday, 1994 November 6.
11.
 - (a) That approval be given to erect a barometer on the forecourt of City Hall to measure the Season Ticket Sales; and,
 - (b) That an amount of \$2,450. be approved for the construction, installation and removal of a barometer to measure the Hamilton Tiger Cat Season Ticket Sales; and,
 - (b) That the amount of \$2,450. be funded from Centre No. 24201 Unclassified.

1994 November 8

12. That Andres Wines Ltd. be advised that the City of Hamilton supports its application to the Liquor Control Board of Ontario to open its wine stores located within the City on the following Statutory Holidays: Victoria Day; Canada Day; Labour Day; Civic Holiday; Thanksgiving Day; Boxing Day (except when it falls on a Sunday).
13. That Hillebrand Estates be advised that the City of Hamilton supports its application to the Liquor Control Board of Ontario to open its wine stores located within the City on the following Statutory Holidays: Victoria Day; Canada Day; Labour Day; Civic Holiday; Thanksgiving Day; Boxing Day (except when it falls on a Sunday).
14.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 35132/92 by the payment to the Plaintiffs, Elli Hammermeister and Henry Hammermeister, of a contribution in the amount of \$5,000., inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 35132/92, including all cross-claims, be dismissed without costs.
15.
 - (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 32311/91 by the payment to the Plaintiff, Joseph Beattie, of a contribution in the amount of \$4,142., inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (b) That Ontario Court (General Division) Action No. 32311/91, and the Third Party Action, be dismissed without costs.

1994 November 8

16.
 - (a) That the City of Hamilton accept the Offer to Contribute of the Co-Defendant, Victoria Park Community Homes Inc. as set out in their Counsel's letter dated 1994 October 13; and,
 - (b) That the City of Hamilton decline to accept the Plaintiff's Offer to Settle Ontario Court (General Division) Action No. 1081/85, dated 1994 October 18; and,
 - (c) That the City make an Offer to Settle Ontario Court (General Division) Action No. 1081/85 on the following terms:
 - (i) That the City will contribute to the settlement of this Action by payment to the Plaintiffs Hilda and Sergei Kevlicius of the total amount of \$12,000.; and,
 - (ii) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (iii) That Ontario Court (General Division) Action No. 1081/85, together with all crossclaims, shall be dismissed without costs; and,
 - (iv) That this Offer remain open for acceptance until withdrawn, or the commencement of Trial whichever first occurs.
17.
 - (a) That John Johnston be retained as the Commissioner of Human Resources, under either of the following terms and conditions:
 - (i) A contract employee for five (5) years; or
 - (ii) A non-contract permanent employee; and,
 - (b) That the Finance and Administration Committee and City Council reserve judgement on the terms and conditions of this retainment until a report outlining the advantages and disadvantages of contractual employment versus permanent employment for all Department Heads is presented to the 1994 December meeting of the Finance and Administration Committee for consideration.

1994 November 8

18. That leave be granted to introduce the following Bills:

- (a) D-33 A By-law to Amend By-law No. 86-164 respecting the Formulation of a Municipal Emergency Plan.
- (b) D-34 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (c) D-35 A By-law to Consolidate By-law No. 71-69 respecting the Levying of Municipal Taxes.
- (d) D-36 A By-Law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully Submitted,

**ALDERMAN D. ROSS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1994 November 3**

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1994 NOVEMBER 8
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Designate:

**AS A HERITAGE CONSERVATION DISTRICT
THE AREA OF DURAND-MARKLAND
COMPRISED OF MARKLAND STREET, (BETWEEN JAMES AND BAY
STREETS), CHILTON PLACE, AND MACNAB STREET SOUTH
(BETWEEN MARKLAND AND HERKIMER STREETS)**

WHEREAS subsections 1 and 3 of section 41 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, provides as follows:

41. (1) Subject to subsection (2), where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

(3) A by-law passed under subsection (1) does not come into force without the approval of the Board.

AND WHEREAS the Official Plan of the City of Hamilton contains provisions relating to the establishment of heritage conservation districts;

AND WHEREAS it is intended to designate the area defined by the said by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The area more particularly shown on Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as a Heritage Conservation District.

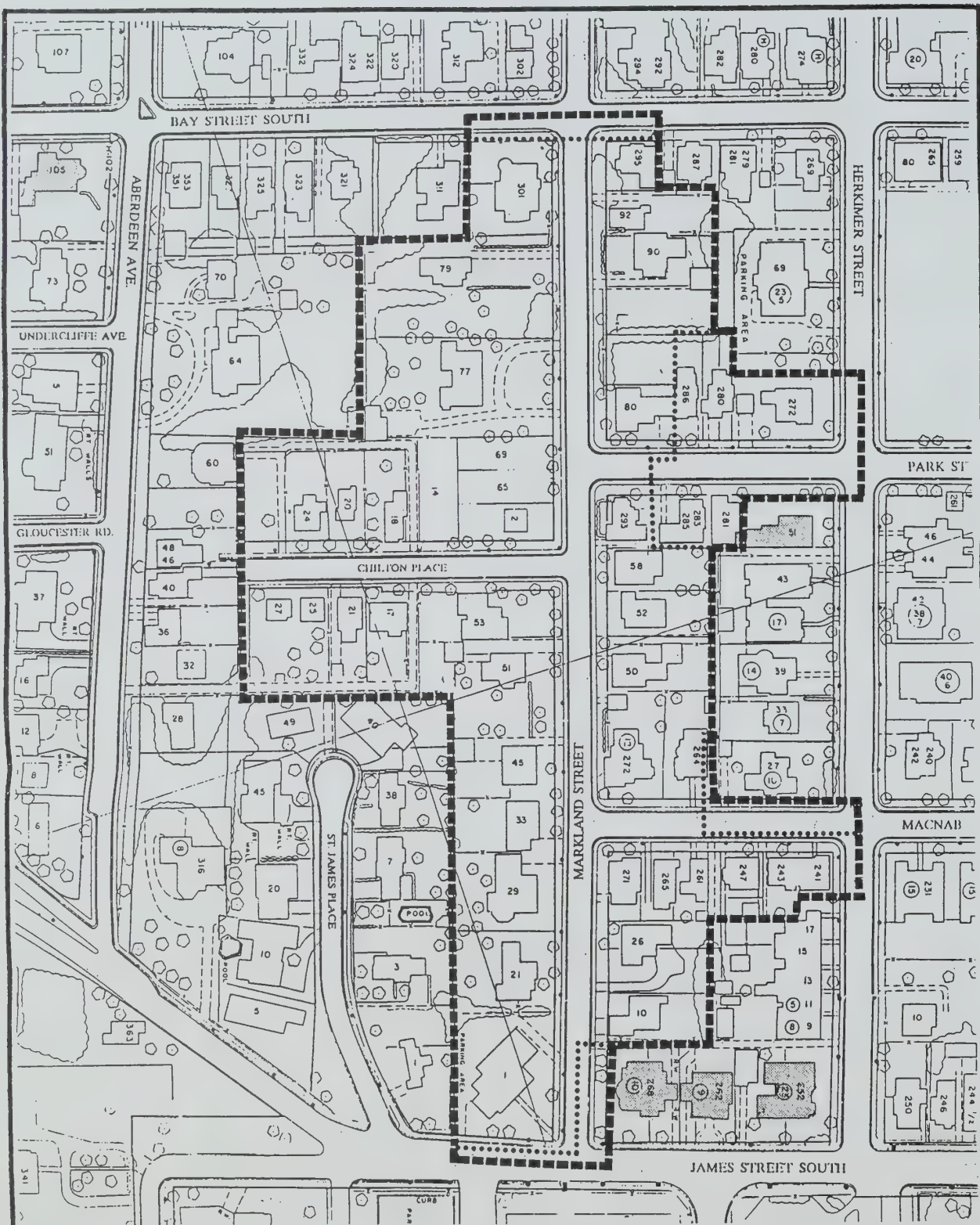
2. This by-law shall come into force upon approval of the Ontario Municipal Board.

PASSED this day of

A.D. 1994

CITY CLERK

MAYOR



DURAND-MARKLAND HERITAGE CONSERVATION DISTRICT STUDY

UNTERMAN McPHAIL CUMING
ASSOCIATES

WENDY SHEARER
LANDSCAPE ARCHITECT LIMITED

DATE: JULY 1994



HERITAGE CONSERVATION DISTRICT BOUNDARY

LEGEND

- DISTRICT BOUNDARY
- DESIGNATED PART IV
- DISTRICT STUDY AREA

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94 -

To prescribe standards for the maintenance
and occupancy of property.

AND WHEREAS the Council of the Corporation of the City of Hamilton is empowered by the Section 31 of the Planning Act R.S.O. 1990 Chapter P.13 to pass a by-law for, inter alia, prescribing standards for the maintenance and occupancy of property within the municipality, for prohibiting the use of property that does not conform to the standards, and for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared;

AND WHEREAS pursuant to the provisions of Section 31, [formerly Section 36], of the Planning Act R.S.O. 1970 Chapter 349 as amended of Revised Statutes of Ontario 1970, Chapter 349, the Council of the Corporation of the City of Hamilton did on the 26th day of June 1973 by By-law Number 73-200 adopt Official Plan Amendment Number 282 being a policy statement containing provisions relating to property conditions.

AND WHEREAS By-Law No. 74-74 was enacted on the 30th day of April, 1974.

AND WHEREAS it is desirable to consolidate By-Law No. 74-74 as amended.

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 6 of the SIXTEENTH Report of the Planning and Development Committee for 1994 at its meeting held on the 8th day of November, 1994 directed that By-law No. 74-74 be repealed and a consolidated Property Standards By-law be enacted.

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as The Property Standards By-law.

INTERPRETATION

2. In this by-law.
 - (a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yards located on the same lot as a building.
 - (b) "approved" means as approved by the Chief Property Standards Officer or his designate.
 - (c) "basement" means any storey below the first storey.
 - (d) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy.
 - (e) "building code" includes,
 - (i) The Building Code Act and regulations made thereunder.
 - (ii) City of Hamilton By-law No. 93-167 as amended.

- (f) "cellar" means a storey that is more than 50 percent below grade.
- (g) "Chief Property Standards Officer" means the Chief Building Official as appointed under By-law 82-134, as amended.
- (h) "City" means The Corporation of the City of Hamilton.
- (i) "committee" means The Property Standards Committee established under this By-law.
- (j) "dwelling" means a building or structure, with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be or would be intended to be used for such purposes, except for its state of disrepair.
- (k) "dwelling unit" means a suite that is a housekeeping unit, used or intended to be used as a domicile by one or more persons for living, sleeping and preparing food and **must** include a kitchen.
- (l) "first storey" means the uppermost storey having its floor level not more than 2 meters above grade.
- (m) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.
- (n) "health by-law" means The City of Hamilton Health By-Law, being By-Law No. 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any regulation or by-law prescribed or authorized by the provisions of The Health Protection & Promotion Act, 1983 S.O. 1990 Chapter H.7 as amended.
- (o) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring and piping required to be part of the device by the applicable standard referred to in this Building Code
- (p) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or part which prevent its normal function.
- (q) "lot" means a parcel of land the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.
- (r) "medical officer of health" means The Medical Officer of Health for the Regional Municipality of Hamilton-Wentworth, Department of Health Services.
- (s) "multiple dwelling" means a building containing four or more dwelling units.
- (t) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.
- (u) "occupancy" means the use or intended use of a building or part thereof for

the shelter or support of persons, animals or property.

- (v) "officer" means a Property Standards Officer who has been appointed under By-law No. 82-134, as amended, to administer and enforce this By-law.
- (w) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- (x) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fence and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- (y) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.
- (z) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- (aa) "residential property" means any property that is used or is capable of being used as a dwelling or multiple thereof, and includes any land or buildings that are appurtenant to such establishment including but not necessarily limited to all steps, walks, driveways, parking spaces, fences and yards.
- (bb) "retaining wall" means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.
- (cc) "sanitary sewage" means liquid or water borne waste
 - (i) of industrial or commercial origin, or
 - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- (dd) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.
- (ee) "sewage system" means the Regional Municipality of Hamilton-Wentworth's system of storm sewers, sanitary sewers, and combined sewers, or a private sewage disposal system approved by the Medical Officer of Health within the City of Hamilton.
- (ff) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law.
- (gg) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (hh) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business

and personal services occupancies.

- (ii) "tenant" means any person or persons over the age of 18 years in possession of the property.
- (jj) "unsafe condition" means any condition that poses a danger to the health or safety of any person on or about the premises.
- (kk) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material. (82-186) (83-228) (92-170)
- (ll) "vermin" shall include rats, mice, and all other such obnoxious animals.
- (mm) "yard" means the land within the boundary lines of the lot and not occupied by the principal building.

SCOPE

- 3(1) No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any property unless such property conforms to the standards prescribed herein, nor shall the owner or his agent permit the accumulation of debris or rubbish on yards, as herein defined, in contravention of the standards prescribed in this By-Law.
- 3(2) No person shall use or permit any one to use any property that does not conform to the standards of this By-Law.
- 3(3) No owner of any property shall fail to maintain such property to conform to the standards of this By-Law.
- 3(4) No person shall remove from a property any sign, notice or placard placed thereon pursuant to sections 31(6) and (7) of the Planning Act, R.S.O. 1990, Chapter P.13.

VALIDITY

- 4(1) Should any section or part of a section of this By-Law be held to be invalid, the validity of the remainder of the By-Law shall not be affected.

GENERAL STANDARDS FOR ALL PROPERTIES

STRUCTURAL STANDARD

- 5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of safety as required by the Ontario Building Code.
- 5(2) All exterior surfaces shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.
- 5(3) The exterior walls, chimneys, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such

materials and objects shall be removed, repaired or replaced.

EXTERIOR WALLS AND ROOFS

- 6(1) The exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.
- 6(2) Exterior walls, roofs and other parts of a building shall be free from loose and unsecured objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.
- 6(3) Exteriors of buildings shall be kept weather resistant through the use of caulking and other appropriate weather resistant materials and be maintained to prevent the entry of vermin and birds.
- 6(4) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the building.
- 6(5) All structural components of a roof shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- 6(6) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
- 6(7) Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements.
- 6(8) Exterior walls of a building or structure, and their components shall be maintained free of posters or advertisements which are:
 - a) for events which have already occurred or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

FOUNDATIONS AND BASEMENTS

- 7(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 7(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

INTERIOR STRUCTURE & FLOORS

- 8(1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.
- 8(2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subjected.

- 8(3) Every cellar shall have a floor of concrete or other material acceptable to the City under the provisions of the Building Code for purposes of water drainage and to guard against the entry of vermin.
- 8(4) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition. Such defective floor boards shall be repaired or replaced.
- 8(5) Where floors have been covered with linoleum or other covering that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet flooring or other covering shall be repaired or replaced.
- 8(6) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.

RUBBISH AND DEBRIS

- 9(1) Every property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.
- 9(2) Every porch, hallway, stairway and common area shall be kept free of garbage, debris, old furniture, appliances, etc.

PLUMBING SYSTEM

- 10(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects and in compliance with The Ontario Building Code. All water pipes and appurtenances thereto shall be protected from freezing. All plumbing fixtures shall be connected to the sewage system through water seal traps.

KITCHEN FACILITIES

- 11(1) Every Commercial and Industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 11(2) Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator.

HEATING SYSTEMS

- 12(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22 degrees Celsius or 72 degrees Fahrenheit at the outside design temperature specified in the Building Code.
- 12(2) The heating system and every other mechanical system shall be:
 - (a) operated and maintained,
 - (i) in good working order; and
 - (ii) free from unsafe conditions; and
 - (iii) in accordance with the requirements of the Building Code; and

- (b) maintained at all times in good repair.
- 12(3) No heating appliance shall be installed or placed so as to cause a fire hazard nor to impede the free movement of a person within the room where the heating appliance is located. A heating appliance shall not be located in corridors, hallways or other means of egress.
- 12(4) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.
- 12(5) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.
- 12(6) Any heating equipment used in the process of burning fuel shall be properly vented to the outside air by means of an approved smokepipe, vent pipe or chimney.
- 12(7) All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial regulations.

MAINTENANCE OF PROPERTY

YARDS/ PARKING LOTS/ VACANT PROPERTY

- 13(1) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (1987).
- 13(2) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 13(3) Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.
- 13(4) Every yard, parking lot, and vacant property shall be kept free from:
 - (a) metal, wood and rubber objects, barbed and other wire.
 - (b) unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or become contaminated
- 13(5) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials. (83-185)
- 13(6) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the Weed Control Act, R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations made thereunder.
- 13(7) Ground cover, hedges, trees, landscaping and site facilities required as a

condition of site development or redevelopment shall be maintained in living condition and in a good state of repair.

- 13(8) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 13(9) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.
- 13(10) Stoned surfaces shall be maintained free of dust and spill over onto sidewalks and grass surfaces.

WALKS AND SAFE PASSAGE

- 14(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street.
- 14(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use.

SEWAGE AND DRAINAGE

- 15(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists. Where a Municipal sanitary sewer does not exist, sewage shall be disposed of in a manner acceptable to the Medical Officer of Health.
- 15(2) Roof drainage shall not be channelled to discharge on a sidewalk, stairs, neighbouring property, or a street.
- 15(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or ponding and prevent the entrance of water into a basement or cellar on the property or adjacent properties.
- 15(4) Condensation from air conditioners shall not be channelled to discharge onto the sidewalk or street.
- 15(5) Eavestroughs shall be maintained:
 - a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.
- 15(6) Downspouts shall be maintained:
 - a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and

- d) free from unsafe conditions.

ACCESSORY BUILDINGS AND FENCES

- 16(1) Accessory buildings, fences, barriers and retaining walls shall be kept in good repair.
- 16(2) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property a visual barrier not less than 4 feet (1.2 metres) and not more than 6 feet 6 inches (2.0 metres) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.
- 16(3) Despite Section 16(2), no visual barrier shall be required within 9 feet, 9 inches (3.0 metres) in distance from a front lot line in accordance with By-law No. 6593, as amended.

ADDITIONAL RESIDENTIAL STANDARDS

WEATHER PROOFING

- 17(1) Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with,
- (a) the Building Code and amendments thereto, made under the Building Code Act, 1992 or
- (b) standards equivalent to the Building Code and amendments thereto, satisfactory to the Chief Property Standards Officer.
- 17(2) Windows and exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.
- 17(3) Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

SECURITY

- 18(1) All openable windows, exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked or otherwise secured.
- 18(2) Every lock on a building that is designed to be unlocked with a key or combination shall be maintained in good working order or shall be repaired or replaced.
- 18(3) The owner of a multiple dwelling shall, upon the written request of an occupant of the dwelling unit, in which children under the age of ten reside, provide and install a protective device on any window that,
- (a) has a moveable sash, and

- (b) is more than six feet (1.8 m) above adjacent finished ground level.
- 18(4) The protective device shall be installed within seven days of the delivery of the written request upon the owner, his agent or representative.
- 18(5) The protective device shall be installed in such a manner as to prevent any child under the age of ten years from opening a window to any amount greater than four inches (100 mm.).
- 18(6) The owner of a building containing 10 or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible and available for ready viewing and easy reading by tenants or occupants of the building.

STAIRS AND PORCHES

- 19(1) Interior and exterior stairs, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 19(2) A handrail shall be installed and maintained in good repair on all stairs which have more than 3 risers.
- 19(3) Handrails shall be located between 32 inches and 36 inches (800 and 920mm) measured vertically above a line drawn through the outside edges of stair nosings.
- 19(4) Handrails will be provided on both sides of stairs greater than 43 inches (1100 mm) in width.
- 19(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 24 inches (600 mm), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 24 inches (600 mm). All guards including those for balconies shall be at least 42 inches (900 mm) in height. Guards for stairs shall be at least 42 inches (900 mm) in height measured vertically from a line drawn through the outside edges of the stair nosings, and 42 inches (900 mm) in height at landings.

INTERIOR WALLS, CEILINGS AND DOORS

- 20(1) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.
- 20(2) Where fire resistant walls and doors exist between separate dwelling units they shall be maintained in a condition which maintains their fire-resistant quality.
- 20(3) Where doors are provided, the doors and associated hardware shall be maintained in a good state of repair.

WATER

- 21(1) Every dwelling shall be provided with a supply of potable water from at least one of the following approved sources:
- a) Municipal Water System
 - b) Communal Water System
 - c) Private Source
- 21(2) Every dwelling or building to which water is available under pressure through piping shall be provided with:
- a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and
 - b) piping for cold water connected to every toilet and hose bib,
 - c) equipment which supplies hot water to every washbasin, sink, bathtub or shower shall be capable of maintaining a temperature of not less than 120°F.(49°C.)

TOILET, KITCHEN AND BATHROOM FACILITIES

- 22(1) Every dwelling unit shall contain plumbing fixtures consisting of:
- a) a kitchen sink
 - b) a water closet
 - c) a hand wash basin; and
 - d) a bathtub and/or shower
- 22(2) All bathrooms and toilet rooms shall be located within and accessible from within the building.
- 22(3) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 22(4) A hand wash basin shall be located in the same room as the toilet or in an adjoining bathroom.
- 22(5) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
- 22(6) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- 22(7) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

- 23(1) Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following:
- (a) Every kitchen shall be provided with a kitchen sink and a splash back which is water and grease resistant.

- (b) Every kitchen shall be provided with a work surface of at least 8 square feet which shall be impervious to grease and water.
- (c) Every kitchen shall be provided with kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet.
- (d) Every kitchen shall be provided with sufficient space to accommodate a cooking range or a countertop cooking unit.

ELECTRICAL SERVICES

- 24(1) Every suite and dwelling unit, where required by the Building Code and the Ontario Electrical Code, shall be:
 - (a) connected to an electrical supply system; and
 - (b) wired to receive electricity.
- 24(2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
 - (a) adequate for the intended use; and
 - (b) maintained at all times,
 - (i) free from unsafe conditions; and
 - (ii) in accordance with the requirements of the Ontario Electrical Code.
- 24(3) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 24(4) Electric heating shall be maintained in compliance with the provincial regulations.

LIGHTING

- 25(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 25(2) All public hallways and stairs in multiple dwellings shall be illuminated so as to provide safe passage.

VENTILATION

- 26(1) Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.
- 26(2) Except as herein provided every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 1 sq.ft. (.09 sq.m.)

- 26(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.
- 26(4) All systems of mechanical ventilation shall be maintained in good working order.
- 26(5) The natural ventilation requirements prescribed in subsection (1) and (2) may be omitted from any room where adequate mechanical ventilation equipment has been approved by the Chief Property Standards Officer or his designate.
- 26(6) Every basement, cellar and unheated crawl space shall be adequately vented.

GARAGES

- 27(1) Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.
- 27(2) Garages shall be maintained in good repair and free from accident hazards.

GARBAGE DISPOSAL

- 28(1) Every dwelling, dwelling unit and building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes that accumulate on the property and shall be made available for removal weekly.
- 28(2) Receptacles for garbage shall be:
 - i) made of watertight construction
 - ii) provided with a tight fitting cover and
 - iii) maintained in a clean state.
- 28(3) Boxes or plastic bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles. However, such containers shall not be stored outdoors unless protected from damage.
- 28(4) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage, shall be placed in receptacles as prescribed by Section 28.2 or 28.3
- 28(5) (a) Every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
- (b) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
- (c) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and

maintained as follows:

- (i) a garbage storage area is provided on each floor of the building,
- (ii) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and
- (iii) a daily collection procedure from each floor is provided by the management of the building and the garbage is delivered to the receptacles as required in Section 28 of this By-Law.

OCCUPANCY STANDARDS

- 29(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.
- 29(2) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.
- 29(3) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.
- 29(4) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

RESPONSIBILITIES OF THE OWNER

The owner of a property shall:

- 30(1) Comply with all standards prescribed in this By-law.
- 30(2) Not permit any person to use or occupy any property owned, managed or controlled by him unless such property conforms to the standards prescribed in this By-Law.
- 30(3) Shall not allow to exist in, upon or about the same any vermin, or allow to remain any conditions which become a harbourage for vermin.
- 30(4) Comply with any final and binding order of the Property Standards Officer.

30(5) FIRE DAMAGED BUILDINGS

Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

The owner or agent of the fire damaged building shall

restore the building to meet the requirements of Sections 5,6,7, and 8 of the said By-Law, and shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inches) weather proofed sheet plywood, painted a colour compatible with the surrounding walls.

ADMINISTRATION AND ENFORCEMENT

Officers

- 31(1) The Chief Property Standards Officer is hereby assigned the responsibility of administering and enforcing this By-law.
- 31(2) The Chief Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 31(3) The alternate standards shall be in accordance with the general purpose and intent of this By-law.
- 31(4) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.
- 31(5) The Chief Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under subsection 31(19) of The Planning Act so as to provide for:
 - (i) repair of the property; or
 - (ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition,
 where the cost of doing the work does not exceed \$5,000.00.
- 31(6) Upon completion of the work referred to in Subsection 31.5 the cost shall be added to the collector's roll in accordance with subsection 35.1 and collected in the same manner as municipal taxes.

RIGHT TO ENTER AND INSPECT

- 32(1) An officer or any person acting under his or her instructions,
 - (a) may, at all reasonable times and upon producing proper identification, enter and inspect any property, but
 - (b) Shall not enter any room or place actually used as a dwelling unit without,
 - (i) requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant or
 - (ii) the authority of a search warrant issued under section 124 of the Rent Control Act 1992 S.O. Chapter 11.

NOTICE OF VIOLATION

- 33(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she shall issue a notice to the owner and all persons shown by the records of the Land Registry Office and the Court Administrative Sheriff's Office to have any interest therein.
- 33(2) The notice referred to in subsection (1) hereof shall,
- (a) contain particulars on the non-conformity,
 - (b) set a date for such person to appear before the officer, as prescribed by Section 34.
 - (c) state,
 - (i) that the person or a representative may,
 - (a) appear,
 - (b) make any representations, and
 - (c) present any evidence,
 - (ii) that, in the event that the person does not appear, an order may be made by an officer in the person's absence;
 - (iii) the action that may be taken to make the property conform to the standards, and
 - (iv) any other information that an officer deems necessary; and
 - (d) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail.
- 33(3) An officer may provide all occupants with a copy of the notice referred to in subsection (1) hereof.

TIME OF APPEARANCE

- 34 The appearance referred to in paragraph (b) of subsection (2) of Section 33 shall take place not less than seven (7) days and not more than thirty (30) days after the service of said notice to the owner.

ORDERS

- 35(1) Within a reasonable time after the appearance set pursuant to paragraph (b) of subsection (2) of Section 33 has taken place, the officer may make an order or orders to the owner or occupant,
- (a) requiring the owner or occupant to make the property conform to the standards within a period of time not to exceed ninety (90) days,
 - (b) prohibiting the use of the property, and requiring the person using or occupying the property to vacate the property within a period of time not to exceed ninety (90) days,
 - (c) requiring the owner to demolish the property within a period of time not to exceed ninety (90) days, or
 - (d) causing the registration of a caution on the title to the property as provided in Section 38.

- 35(2) The order referred to in subsection (1), shall,
- (a) contain, in addition to the requirements of subsection (1), the following requirements,
 - (i) the municipal address or the legal description of the property,
 - (ii) reasonable particulars or the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition, whichever is applicable,
 - (iii) the period in which there must be a compliance with the terms and conditions of the order,
 - (iv) notice that, if repair or clearance is not done within the time specified in the order, the Corporation may carry out the repair or clearance at the expense of the owner, and
 - (v) the final date for giving notice of appeal for the order,
 - (b) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail.
- 35(3) Where an Order is made pursuant to paragraph (b) of subsection (1) hereof, a copy of such order may also be sent to the occupant or occupants of the property.

RESPONSIBILITIES OF LESSEE

- 36(1) The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards or to demolish the whole or any part of the property.

NOTIFICATION

- 37(1) A notice or any order made under Sections 33 or 35 when sent by registered mail shall be sent to the last known address of the person.
- 37(2) Where a notice or order is served by prepaid registered mail, the date of service is the date of the next workday, following the date of mailing.
- 37(3) If the officer is unable to effect service under Sections 33 or 35, he or she shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other interested persons.
- 37(4) No person shall pull down or deface the placard placed pursuant to subsection (3).

REGISTRATION OF ORDER

- 38(1) An order issued pursuant to subsection (1) of Section 35 may be registered in the proper Registry or Land Titles Office and, upon such registration,

any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under the provisions of this by-law.

- 38(2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the proper Registry of Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

- 39(1) (a) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies.
- (i) may repair or demolish the property,
 - (ii) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; and or
 - (iii) may make the site safe or impede entry by erecting fences, barricades or barriers
- (b) for the purposes of section 35.(1) the property standards officers and the City's agents may from time to time enter in and upon the property;
- (c) The City:
- (i) Shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City under the provisions of this section; and
 - (ii) Shall have a lien for any amount expended by or on behalf of the City under the authority of this section together with interest thereon, upon the property in respect of which such amount was expended, and the certificate of the Clerk of the City as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collector's roll and collected in like manner as municipal realty taxes.

PROPERTY STANDARDS COMMITTEE

- 40(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby continued.
- 40(2) The Property Standards Committee for the City of Hamilton shall consist of 3 ratepayers of the City to be appointed by Council for terms of 1, 2 and 3 years initially and thereafter for terms of 3 years. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.

NOTE: Subsections 16, 17 and 18 of Section 31 of The Planning Act, R.S.O. 1990, as amended provide for appeals from orders made under this By-law to the Property Standards Committee and to a Judge of the Ontario Court General Division.

CERTIFICATE OF COMPLIANCE

- 41(1) Every owner may make an application to the City for a certificate of compliance by lodging the application with the Chief Property Standards Officer.
- 41(2) The applicant shall pay the fees referred to in The Building Permit and Fees By-Law No. 93-018 for a certificate of compliance applicable at the time the application is made.

PENALTIES

- 42(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$2,000. for a first offence and to a fine of not more than \$10,000. for any subsequent offence.
- 42(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the Corporation is \$10,000. for a first offence and \$50,000. for any subsequent offence.

PROCEEDINGS CONTINUED

- 43(1) Any order issued or proceeding conducted under By-law No. 74-74 shall be deemed to continue under this By-law and any reference to By-law No. 74-74 shall be deemed to refer to this By-law.
- 43(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-Law No. 74-74 of the Corporation, as amended, the procedure established by this By-Law shall be followed so far as it can be adopted.

REPEAL

- 44 By-Law No. 74-74 as enacted by Council on 30th April, 1974 and the following By-Laws are hereby repealed:

By-law Nos.: 77-189, 78-46, 79-23, 81-150, 83-167,
83-170, 83-185, 83-253, 84-93, 89-279,
90-196, 90-333, 91-33.

- 45 This By-Law comes into force on the date of passing.

PASSED this

day of

, 1994

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Designate:

**THE CROWN POINT EAST/McANULTY NEIGHBOURHOODS,
THE DOWNTOWN HAMILTON B.I.A.
and
THE INTERNATIONAL VILLAGE B.I.A.
AS COMMUNITY IMPROVEMENT PROJECT AREAS**

WHEREAS subsection 28(2) of the Planning Act, R.S.O. 1990 provides as follows:

(2) Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area;

AND WHEREAS the Official Plan of the City of Hamilton approved by the Minister on June 1, 1982, contains provisions relating to community improvement in the City of Hamilton;

AND WHEREAS it is desirable to designate the Crown Point East/McAnulty Neighbourhoods, the Downtown Hamilton B.I.A. and the International Village B.I.A. as Community Improvement Project Areas.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

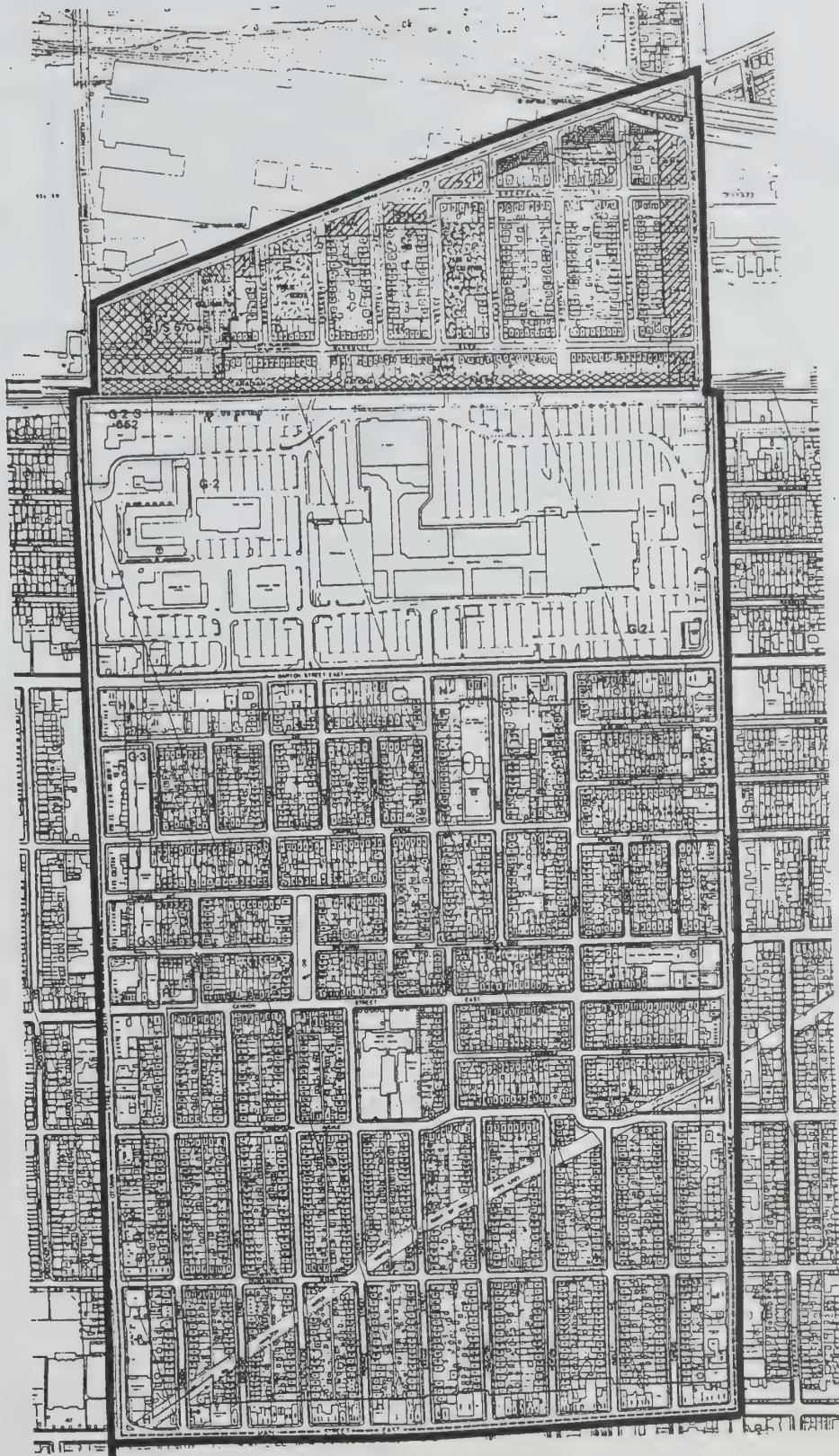
1. The following Community Improvement Project Areas are hereby designated:
 - (a) the Crown Point East/McAnulty Neighbourhoods Community Improvement Project Area as shown on Schedule "A";
 - (b) the Downtown Hamilton B.I.A. Community Improvement Project Area as shown on Schedule "A-1"; and
 - (c) the International Village B.I.A. Community Improvement Project Area as shown on Schedule "A-2",

each of which Schedules are annexed hereto and form part of this by-law.

PASSED this day of A.D. 1994

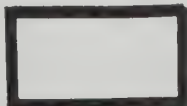
CITY CLERK

MAYOR



CITY OF HAMILTON
 SCHEDULE "A"
 SHOWING THE CROWN POINT EAST/MCANULTY
 COMMUNITY IMPROVEMENT PROJECT AREA

COMMUNITY IMPROVEMENT PROJECT AREA

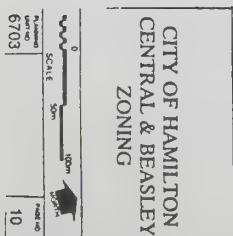


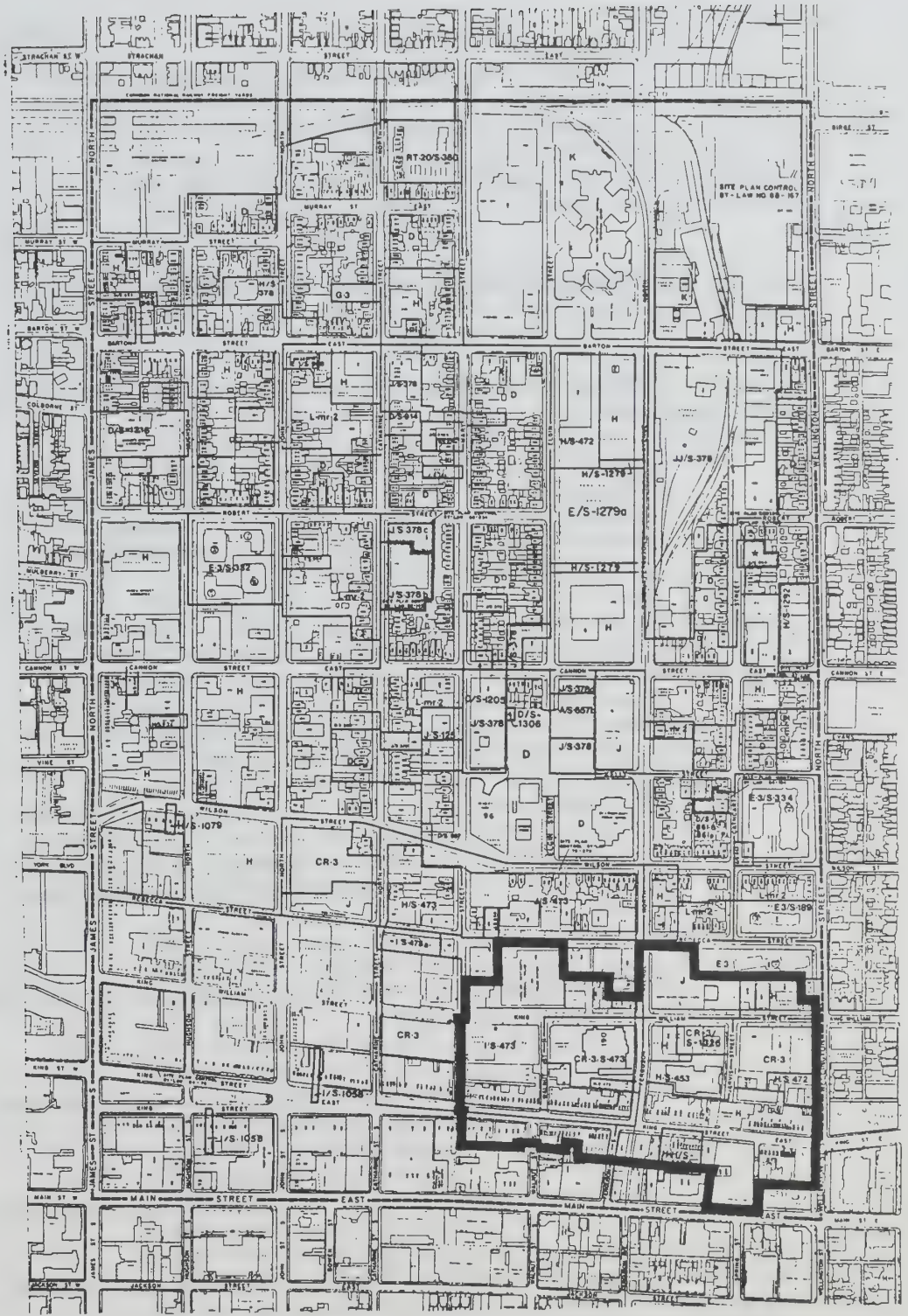
CITY OF HAMILTON	
CROWN POINT EAST/MCANULTY	
ZONING	
PLANNING UNIT NO 6510	PAGE NO 34



CITY OF HAMILTON
 SCHEDULE "A-1"
 SHOWING THE DOWNTOWN HAMILTON
 COMMUNITY IMPROVEMENT
 PROJECT AREA

COMMUNITY IMPROVEMENT PROJECT AREA



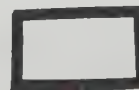


COMMUNITY IMPROVEMENT PROJECT AREA

CITY OF HAMILTON

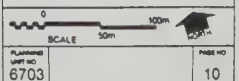
SCHEDULE "A-2"

SHOWING THE INTERNATIONAL VILLAGE
COMMUNITY IMPROVEMENT
PROJECT AREA



CITY OF HAMILTON

BEASLEY
ZONING



The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend By-law No. 86-164

Respecting

THE FORMULATION OF A MUNICIPAL EMERGENCY PLAN

WHEREAS Section 3 of the Emergency Plans Act, R.S.O. 1990, Chapter E.9 provides as follows:

- 3(1) The council of a municipality may pass a by-law formulating or providing for the formulation of an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency.
- (2) A by-law passed under subsection (1) may provide for money associated with the formulation and implementation of the emergency plan.
- (3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1).
- (4) The Lieutenant Governor in Council may designate municipalities that shall have an emergency plan respecting the type of emergency specified in the designation and, where so designated, a municipality shall formulate or provide for the formulation of the emergency plan. 1983, c. 30, s. 3.

AND WHEREAS By-law No. 86-164 was enacted on the 13th day of May, 1986 to formulate a municipal emergency plan.

AND WHEREAS City Council on June 28, 1994 in adopting Item 40 of the 10th Report of the Finance and Administration Committee authorized this by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 86-164 is amended by deleting Section 5 and replacing it with the following:
 5. Every person who contravenes this By-law is guilty of an offence and upon conviction subject to the penalties of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, Section 61.
2. Schedule A of Schedule 1 to By-law No. 86-164 is amended by adding the following Sections:

5.A THE MAYOR

The Mayor shall be the designated political spokesperson for the City of Hamilton in the event of a declared state of emergency. Any Press Release shall be jointly prepared and released by the Mayor and the technical spokesperson of the lead resource, being either the municipal department or an outside agency.

- 6.(e) The Chief Administrative Officer and the Disaster Control Group shall designate the appropriate municipal department or outside agency to be the lead technical resource for the Emergency.
 - (h) Where a municipal department is designated as the lead technical resource, the Disaster Control Group shall select the spokesperson from the municipality to be the sole technical spokesperson on the emergency in conjunction with the Mayor.
3. Paragraph 5(b) of Schedule A of Schedule 1 of By-law No. 86-164, is amended by adding the following paragraphs:
 - (xi) Where an outside agency is the lead technical resource, the Disaster Control Group shall work in conjunction with the lead technical resource and the spokesperson designated by such outside agency shall be the sole technical spokesperson on the emergency in conjunction with the Mayor;
 - (xii) Providing advice, where requested by the Mayor, on the extent of a state of Emergency intended to be declared, including the appropriate outside agencies to be consulted or notified, the area of the emergency to be specified, if any.
 4. Schedule A of Schedule 1 of By-law 86-164 is further amended by adding the following paragraphs:
 15. That Press Releases be jointly prepared and released by the Mayor and the technical spokesperson of the lead resource, namely the municipal department or outside agency, as the case may be;
 16. Where a declared state of emergency affects schools or school students, that the Directors of Education for the Boards of Education be contacted as soon as possible about the state of emergency. Each school board shall be requested to provide their emergency communication representatives to the Chief Administrative Officer for inclusion in the City of Hamilton Emergency Plan.
 17. Where a declared state of emergency affects matters related to the Hamilton Harbour, that the Hamilton Harbour Commission be contacted as soon as possible about the state of emergency. The Hamilton Harbour Commission shall be requested to provide its emergency communication representatives to the Chief Administrative Officer for inclusion in the City of Hamilton Emergency Plan.
 18. FINANCIAL:
 - (a) That in accordance with the City's Emergency (purchasing) Procedures (under the City's Purchasing Policies, two of three of the Mayor, the Chief Administrative Officer or Chairman of a committee), - approval may be granted to incurring and payment of expenses necessary to fulfil the City's responsibilities in its response to a declared State of

Emergency;

- (b) That the City Treasurer be authorized to charge such expenses to the City's reserve for contingencies;
- (c) That staff be authorized to initiate steps to recover those expenses (if any) which are subsequently identified as the obligations of other parties;
- (d) That staff be directed to not reimburse persons or outside public agencies for expenses incurred by them unless such expenses were incurred in areas of City responsibility. The onus is on each person and outside agency to pay its expenses arising from an emergency and, if necessary, to recover such expenses from the persons liable at law for such expenses. The City is not responsible to reimburse others for expenses which they ought to recover from the persons liable at law for them;

19. UPDATING THE EMERGENCY PLAN

- (a) That a joint Task Force be reconvened annually in May by the CAO to identify and prepare for Council approval amendments to update the City's Emergency Plan;
- (b) That employees of the Region and the Boards of Education and other outside agencies be consulted and requested to participate in the City's annual review of its Emergency Plan; and,
- (c) That the initial joint Task Force complete its review of the City's Emergency Plan and report to the Finance and Administration Committee by 1995 May 31.

DATED this

day of

1994.

CITY CLERK

MAYOR

(1994) 10 R.F.A.C. 40, June 28

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c. M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date on Schedule "A" attached hereto.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1.
 - (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
 - (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this

day of

A.D., 1994.

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	167 PARK ROW N
	SERIAL NUMBER	04 03140 0070
	BRIEF LEGAL DESCRIPTION	PLAN 297 PT LOT 188
	DATE OF REGISTRATION	OCT 4, 1994
	INST # OF TAX ARREARS CERTIFICATE	195530
	REDEMPTION DATE	OCT 4, 1995
	TOTAL ARREARS	\$5,087.53
B)	PROPERTY ADDRESS	185 FENNELL E
	SERIAL NUMBER	08 09010 0670
	BRIEF LEGAL DESCRIPTION	PLAN 495 LOT 93
	DATE OF REGISTRATION	OCT 6, 1994
	INST # OF TAX ARREARS CERTIFICATE	195669
	REDEMPTION DATE	OCT 6, 1995
	TOTAL ARREARS	\$12,654.41
C)	PROPERTY ADDRESS	101 MUNN STREET
	SERIAL NUMBER	06 06220 7930
	BRIEF LEGAL DESCRIPTION	PLAN 507 LOT 250 PLAN 638 PT LOT 251
	DATE OF REGISTRATION	OCT 4, 1994
	INST # OF TAX ARREARS CERTIFICATE	195531
	REDEMPTION DATE	OCT 4, 1995
	TOTAL ARREARS	\$9,219.10

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Consolidate:

By-law No. 71-69

Respecting:

THE LEVYING OF MUNICIPAL TAXES

WHEREAS Parts XI and XXII of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, authorizes the levying and collection of taxes by municipalities;

AND WHEREAS By-law No. 71-69 was enacted by the Council of The Corporation of the City of Hamilton on the 9th day of March 1971 concerning the collection of taxes;

AND WHEREAS as the Municipal Interest and Discount Rates Act, R.S.O. 1990, Chapter M.58, authorizes the City Council to enact by-laws to provide for the payment of interest on overpayments refunded under Section 37(6) of the Assessment Act, R.S.O. 1990, Chapter A.31;

AND WHEREAS as By-law No. 71-69 has been amended by By-laws No. 72-28, 72-206, 73-159, 74-4, 74-184, 76-121, 77-161, 79-314, 80-034, 81-279, 81-304, 82-43, 82-87, 83-60, 84-92, 85-7, 85-30, 87-353, 90-355, 92-248, 92-313, 93-017; 93-244 and 94-054;

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to consolidate By-law No. 71-69, as amended.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,
 - (a) "Assessment Review Board" means the Assessment Review Board established under the Assessment Review Board Act, R.S.O. 1990, Chapter A.32;
 - (b) "City" means the Municipality of the City of Hamilton;
 - (c) "clerk" means City Clerk of the Corporation;
 - (d) "Corporation" means The Corporation of the City of Hamilton;
 - (e) "Council" means the Council of the Corporation;

- (f) "instalment" means a part or portion of the total tax levied in each year due and payable on the date or dates set forth in this by-law;
 - (g) "Municipal Act" means the Municipal Act, R.S.O 1990, Chapter M.45, as amended;
 - (h) "pre-levy" means the levy made before the adoption of the estimates for the year in accordance with section 159 of the Municipal Act;
 - (i) "Region" means the Regional Municipality of Hamilton-Wentworth;
 - (j) "school boards" means the Board of Education of the City of Hamilton and The Hamilton-Wentworth Roman Catholic Separate School Board;
 - (k) "specified charge" means one decimal zero eight three three per cent;
 - (l) "tenant" or "lessee" includes a tenant of lands owned by the Crown or in which the Crown has an interest;
 - (m) "treasurer" means Treasurer of the Corporation.
2.
 - (1) The clerk shall complete and certify the collector's roll on or before the first day of May in each year.
 - (2) Upon certification of the collector's roll under subsection 1, the clerk shall forthwith deliver the certified roll to the treasurer.
 3. The clerk shall not enter on any collector's roll the name of any tenant or lessee unless,
 - (a) the tenant or lessee is required by the terms of his lease to pay the taxes, or
 - (b) the owner is not liable to pay the taxes.
 4. The clerk, in preparation of the collector's roll shall set down,
 - (a) the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after final revision of the assessment roll, and
 - (b) opposite such assessed value, in a column for that purpose, the total amount for which the person is chargeable for all sums ordered to be levied by the Council, the Region or the school boards for the purpose thereof.
 5. The clerk shall deliver to the treasurer, with the certified roll, a table setting forth,
 - (a) the total amount to be collected under and by virtue of such roll or rolls;
 - (b) the name and amount of each rate levied by the Municipality which is required by law, or the by-law imposing it, to be kept distinct and accounted for separately and specifying the aggregate proceeds of each rate.

6. (1) Notwithstanding the notice required to be given under subsection 1 of Section 392 of the Municipal Act, the treasurer may mail the notice or cause the notice to be mailed to the address of the residence or place of business of the person taxed.
- (2) The treasurer shall make one or more certificates in accordance with subsection 1 of Section 396 of the Municipal Act.
7. All taxes, including local improvement assessments, sewer rents and rates, and other rents or rates payable as taxes, shall be paid in the office of the treasurer at the City Hall or at any chartered bank within the City.
8. (1) A pre-levy shall be made in each year.
- (2) The pre-levy shall be,
 - (a) in a sum fixed by Council, and
 - (b) due and payable in two equal instalments as follows:
 - (i) the first instalment shall be due and payable on February 28th, and
 - (ii) the second instalment shall be due and payable on March 31st.
 - (3) Where February 28th or March 31st falls on a Saturday, Sunday or holiday, the respective instalments shall become due and payable on the last preceding day upon which the office of the treasurer is open to receive payment of taxes.
9. The treasurer may allow a discount of one third of one percent of the amount of the second instalment of taxes due and payable in a year where the aggregate of,
 - (a) the first instalment of taxes, and
 - (b) the second instalment of taxes, and
 - (c) all arrears of taxes, and
 - (d) all accumulated penalty and interest, are paid in full on or before February 28th of the current assessment year.
10. (1) The pre-levy shall be deducted from the aggregate of,
 - (a) real property taxes levied for the year, and
 - (b) non-metered water rates, and
 - (c) local improvement rates, and
 - (d) any other charges.
 - (2) The balance of the aggregate after deduction made under subsection 1, shall become due and payable in a further two approximately equal instalments, as follows:

- (a) The third instalment shall be due and payable on June 30th.
 - (b) The fourth instalment shall be due and payable on September 30th.
 - (3) Where June 30th and September 30th fall on a Saturday, Sunday or holiday, the respective instalments shall become due and payable on the last preceding day upon which the office of the treasurer is open to receive payment of taxes.
11. (1) In this By-law, MONTHLY AUTOMATIC PAYMENT PLAN means the pre-authorized monthly withdrawal of the realty tax from the taxpayer's financial institution through electronic funds transfer.
- (2) Notwithstanding Section 10, residential, industrial, and commercial realty taxpayers of The Corporation of the City of Hamilton may enrol in an optional Monthly Automatic Payment Plan to provide for the payment of realty taxes, and other charges collected in a like manner as taxes, in monthly payments in any year. The payments will be made by pre-authorized withdrawal from the taxpayer's financial institution.
- (3) Payments made under the Plan for 1993 will be divided into eleven payments. The first payment will be withdrawn on January 1, 1993 and on the first day of each subsequent month until November 1, 1993. For subsequent tax years, the Plan will require twelve monthly payments. The first payment will commence on December 1st and continue on the first day of each month until November 1st of the next year.
- (4) Any taxpayer may enrol in the Monthly Automatic Payment Plan at any point in time during the year, by submitting the form required by the City Treasurer and by paying all outstanding tax arrears as well as the current tax instalment due. The monthly payment for the partial year shall be determined by dividing the balance of the current year's taxes by the number of months remaining until, and inclusive of, November. Where the current year's taxes have not been set, the current year's taxes shall be replaced by the value of the previous year's taxes less payments made against the current year's taxes. On the first day of December, the monthly automatic payment will be determined by subsection (4)."
- (5) If the taxpayer makes all payments as required by the Plan, no penalty or interest will be levied.
- (6) Continued enrolment in the Monthly Automatic Payment Plan may be revoked by the Treasurer if more than one monthly payment fails to be honoured. If a taxpayer defaults on more than one payment, the Treasurer may cancel the privilege of any defaulting taxpayer to participate in the Monthly Automatic Payment Plan for one (1) year. Tax accounts disqualified from the program, shall revert to the regular instalment billing system and be subject to penalty and interest in accordance with this By-Law or any subsequent tax levy by-laws.
12. The treasurer may allow a discount of five-sixths of one percent on an amount equal to the sum of taxes due and payable on the third instalment and fourth instalment where the aggregate of,
- (a) the third instalment, and
 - (b) the fourth instalment, and

- (c) all arrears of taxes, and
- (d) all accumulated penalty and interest

are paid on or before the last day of May upon which the office of the treasurer is open to receive payment of taxes.

13. A penalty for non-payment of any instalment of real property taxes, local improvement rates, other charges and non-metered water rates, shall be imposed at the rate of the specified charge on,
 - (a) the first day of default, and
 - (b) the first day of each calendar month thereafter in which the default continues, but not after the end of the year in which the taxes are levied.
14. The treasurer shall add to the amount of real property taxes, local improvement rates, other charges and non-metered water rates in arrears, interest at the rate of the specified charge per month for each month or fraction thereof from December 31st in the year in which the taxes are levied, until the taxes are paid in full.
15.
 - (1) Business taxes shall be levied in each year.
 - (2) A pre-levy of business taxes shall be made in each year.
 - (3) The pre-levy shall be,
 - (a) in a sum fixed by Council, and
 - (b) due and payable in one instalment on February 28th.
 - (4) Where February 28th falls on a Saturday, Sunday or holiday, the pre-levy instalment shall become due and payable on the last preceding day upon which the office of the Treasurer is open to receive payment of taxes.
 - (5) The pre-levy shall be deducted from the balance of business taxes levied for the year.
 - (6) The balance of the business taxes levied for the year shall become due and payable on the 31st day of May.
 - (7) Where May 31st falls on a Saturday, Sunday or holiday, the business taxes shall be due and payable on the last preceding day upon which the office of the Treasurer is open to receive payment of taxes.
 - (8) For the purpose of this section, "pre-levy" means the levy of a sum before the adoption of the estimates, on the whole of the business assessment according to the last revised assessment roll in accordance with subsection (2) of Section 156 of the Municipal Act.
16. A penalty for non-payment of business taxes shall be imposed at the rate of the specified charge on,
 - (a) the first day of default, and

- (b) the first day of each calendar month thereafter in which the default continues, but not after the end of the year in which the taxes are levied.
- 17. The treasurer shall add to the amount of all business taxes in arrears, interest at the rate of the specified charge per month for each month or fraction thereof, from December 31st in the year in which taxes are levied, until the business taxes are paid in full.
- 18.
 - (1) The treasurer may accept part payment from time to time on account of any taxes due.
 - (2) The treasurer may give a receipt for a part payment.
 - (3) The acceptance by the treasurer of a part payment shall not affect the collection of any percentage charged and collectible under sections 12, 13, 15, and 16.
- 19.
 - (1) The treasurer shall upon demand give a certificate of the taxes due on any land in accordance with Section 398 and subsection (1) of Section 415 of the Municipal Act.
 - (2) The certificate shall be according to the Form annexed hereto as Schedule "A".
 - (3) Except as provided in subsection (4), the treasurer shall charge a fee of \$21.00 for the cost of a search and certified statement of arrears due on the land for each separate parcel.
 - (4) The treasurer shall not charge a fee to any person who forthwith pays the taxes.
- 20. Notwithstanding sections 13 and 14, no penalty or interest shall be imposed because of non-payment of any instalment of real property taxes that would otherwise become due and payable until the first day of the month following the date on which the taxes are due and payable in accordance with a demand mailed to the person taxed, following upon the direction of the Council or the Assessment Review Board apportioning the taxes in any of the following special circumstances:
 - (1) in respect of real property assessed in one block upon application for apportionment under the Municipal Act made before May 31st in the year in which the taxes are levied; or
 - (2) in respect of real property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or
 - (3) in respect of a building that was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll.
- 21. Notwithstanding sections 16 and 17, where a notice of appeal against any business taxes is received by the clerk, the amount estimated by the treasurer as the reduction of taxes to be approved by the Assessment Review Board shall not be subject to penalty and interest charges until the first day of the month following the due date of such taxes as evidenced by a demand mailed to the person taxed in accordance with the decision of the Assessment Review Board.

22. (1) Where an overpayment is refunded under subsection 37(6) of the Assessment Act, simple interest shall be paid on the tax overpayment to the person to whom the overpayment is refunded.
- (2) The interest on the overpayment shall be the annual rate of interest established based on the highest rate of interest paid on regular savings accounts at a chartered bank, as at the 1st day of May in each succeeding year.
- (3) No interest shall be paid on pending appeals in respect of the 1983 and prior taxation years.
22. Notwithstanding any other provision of this by-law, where a pre-levy is due and payable on February 28th, the pre-levy shall be due and payable in lieu thereof on February 29th of a Leap Year.
23. By-law No. 71-69, as amended by By-laws No. 72-28, 72-206, 73-159, 74-4, 74-184, 76-121, 77-161, 79-314, 80-034, 81-279, 81-304, 82-43, 82-87, 83-60, 84-92, 85-7, 85-30, 87-353 and 90-355, except for section 23, 92-248, 92-313, 93-017, 93-244, 94-054, is repealed.

PASSED this

day of

1994.

MAYOR

CITY CLERK

BY-LAW NO. 94 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 8TH DAY OF NOVEMBER A.D., 1994.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 8th day of November A.D. 1994

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAYON HBL AOS
A31
1994



1994 December 8

NOTICE OF SPECIAL MEETING
OF CITY COUNCIL

Friday, December 9, 1994
11:00 o'clock a.m.
Council Chambers, City Hall

J. J. Schatz
City Clerk

NOTE:

The purpose of this meeting is to consider the attached report from the Planning and Development Committee respecting City Initiative 94-C for a modification to the Zoning By-law No. 6593 for the Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood to regulate the size and bulk of dwellings in the "C" Urban Protected Residential District (Monster Homes).

c.c.: J. Pavelka, Chief Administrative Officer
Management Team
Aldermen's Support Services

1994 December 9

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIRST** Report and respectfully recommends:

1. That approval be given to City Initiative 94-C for a modification to Zoning By-law No. 6593 for the Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood, as shown on the attached map included as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, on the following basis:

a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,

(ii) That no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45; and,

(iii) Notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

a) an attached garage;

b) a detached garage; and,

c) the floor area occupied by heating, air conditioning and laundry equipment.

For any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9; and,

b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1335, and that the subject lands on Zoning District Maps

1994 December 9

W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive be notated S-1335; and,

- c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive for presentation to City Council; and,
- d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That leave be granted to introduce the following Bills:

- (a) C-1 A By-law to Amend Zoning By-law No. 6593 respecting Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood
- (b) C-2 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton

RESPECTFULLY SUBMITTED,

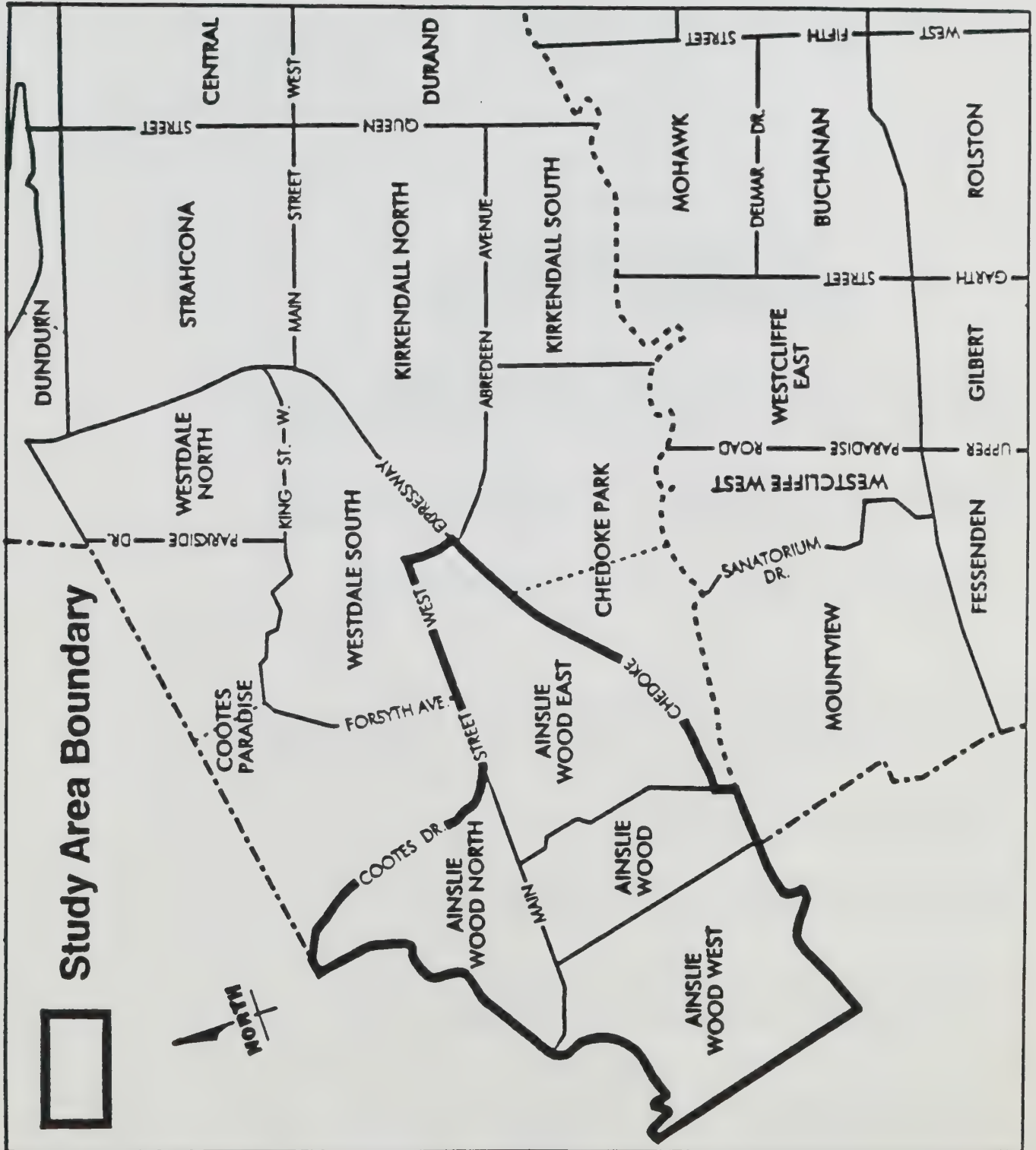
**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Charlene Touzel
Secretary**

1994 December 7

·
·
·

1994 December 9



The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**AINSLIE WOOD NEIGHBOURHOOD,
AINSLIE WOOD EAST NEIGHBOURHOOD,
AINSLIE WOOD NORTH NEIGHBOURHOOD,
and AINSLIE WOOD WEST NEIGHBOURHOOD**

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on plans hereto annexed as Schedules "A-1", "A-2", "A-3" and "A-4", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height;
- (b) no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45;
- (c) notwithstanding Section 2.(2)J.(viii) of Zoning By-law No. 6593, gross floor area is the aggregate of the areas of the building or structure, including the basement, but shall not include:
 - a) an attached garage;
 - b) a detached garage;
 - c) the floor area occupied by heating, air conditioning and laundry equipment; and
 - d) a cellar.
- (d) notwithstanding subsection 1.(b) of this by-law, any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1335.

4. Sheets No. W-33, W-34, W-40 to W-42 inclusive, W-44 to W-48 inclusive, and W-50 to W-52 inclusive of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1335.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

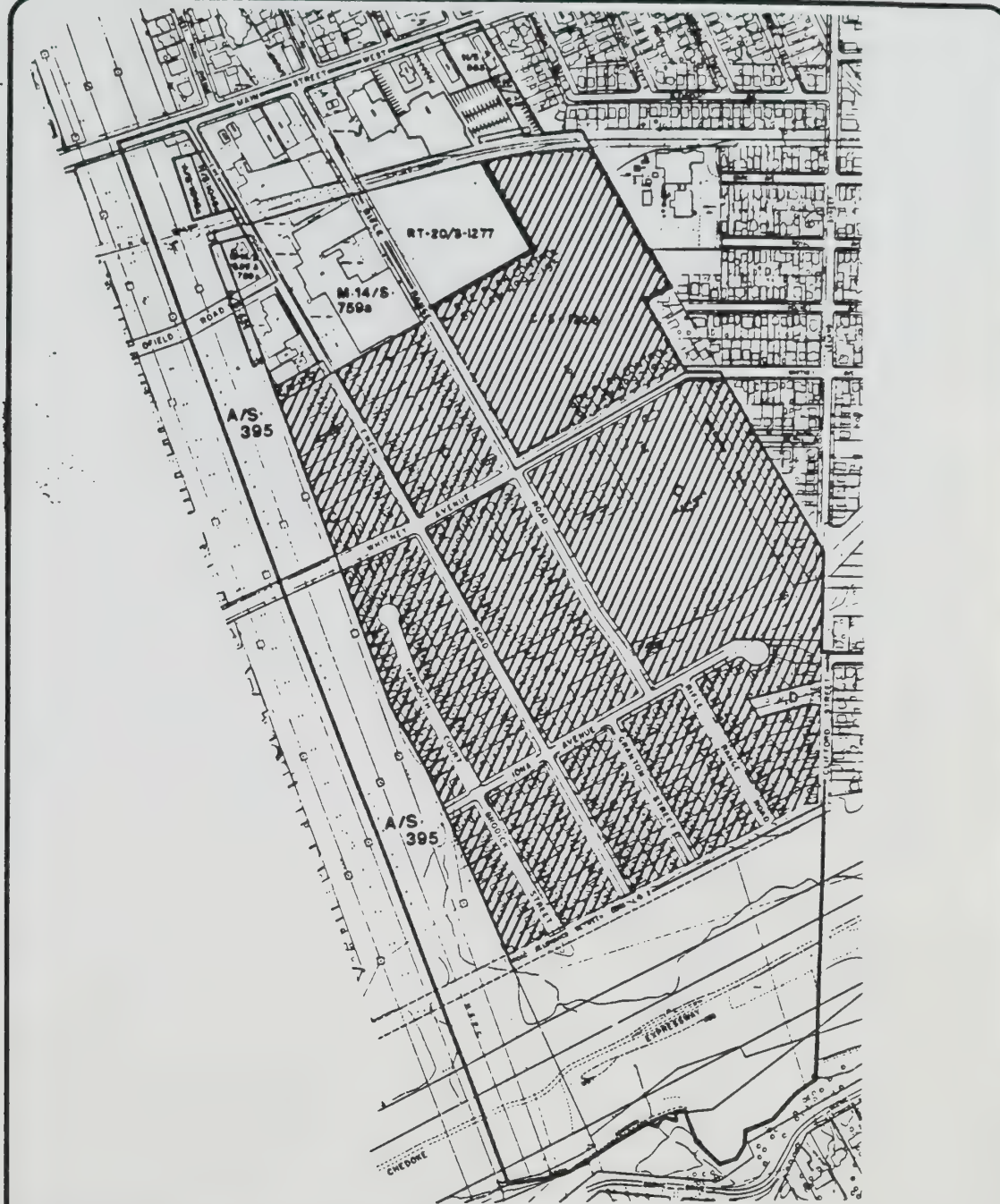
PASSED this day of

A.D. 1994

CITY CLERK

MAYOR

City Initiative 94-C



This is Schedule "A-1" to By-Law No. 95-.....
 Passed the day of, 1994.

.....
 Clerk

.....
 Mayor

City of Hamilton

Schedule A-1

Map Forming Part of
 By-Law No. 95-.....
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

AINSLIE WOOD



Modification to the "C" (Urban
 Protected Residential, etc.)
 District regulations.

North



Scale
 Not to Scale

Date
 DECEMBER 1994

Reference File No.

C.I. 94-C

Drawn By
 Z.K.



Mayor

**Regional Municipality of Hamilton-Wentworth
Planning and Development Department**

Legend

AINSLIE WOOD EAST

Modification to the "C" (Urban Protected Residential, etc.) District regulations.

North



Scale
Not to Scale

Date
DECEMBER 1994

Reference File No.

C.I. 94-C

Drawn By
Z.K.



This is Schedule "A-3" to By-Law No. 95.....
Passed the day of , 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A-3

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

AINSLIE WOOD NORTH



Modification to the "C" (Urban
Protected Residential, etc.)
District regulations.

North



Scale
Not to Scale

Date
DECEMBER 1994

Reference File No.

C.I. 94-C

Drawn By

Z.K.



This is Schedule "A-4" to By-Law No. 95-.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A-4

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

AINSLIE WOOD WEST



Modification to the "C" (Urban
Protected Residential, etc.)
District regulations.

North



Scale
Not to Scale

Date
DECEMBER 1994

Reference File No.
C.I. 94-C

Drawn By
Z.K.

BY-LAW NO. 95 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 9TH DAY OF
DECEMBER A.D., 1994.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 9th day of December A.D. 1994

CITY CLERK

MAYOR

1994 December 9



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

URBAN MUNICIPAL MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

DEC 14 1994

Tuesday, 1994 December 13
7:30 o'clock p.m.
Council Chambers, City Hall

GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

A G E N D A

1. **National Anthem.**
2. **Opening Prayer:**

Father Stephen Deak
St. Michael Hungarian Greek Catholic Church
3. **Adoption of the minutes from the meeting held 1994 December 1 and the special meeting held 1994 December 9.**
4. **Correspondence.**
5. **Reports of the Standing Committees:**
 - (a) Transport and Environment Committee
 - (b) Parks and Recreation Committee
 - (c) Planning and Development Committee
 - (d) Finance and Administration Committee
6. **Notices of Motion for Next Meeting.**
7. **First Reading of the Bills.**
8. **Second Reading of the Bills - Committee of the Whole.**
9. **Third Reading of the Bills.**
10. **Question Period.**
11. **Adjournment.**

MINUTES

1994 December 1

Inaugural Meeting of Hamilton City Council
December 1, 1994
6:00 o'clock p.m.
Council Chamber, City Hall

Council met pursuant to Statute.

Present: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico.

Monseigneur Harvey Roach gave the invocation.

* * * * *

Mr. J. J. Schatz, City Clerk read the following certificate of the results of the Municipal Election:

To the Council of The Corporation of the City of Hamilton.

Members of Council.

I, J. J. SCHATZ, Clerk of the City of Hamilton, do hereby certify that on the 14th day of November, 1994, the following named were elected members of the City Council by a majority of votes:

MAYOR:		Bob Morrow
ALDERMEN:	Ward 1	Mary Kiss Marvin Caplan
	Ward 2	Vince Agro Bill McCulloch

1994 December 1

Ward 3	Bernie Morelli Don Drury
Ward 4	Gerry Copps Dave Wilson
Ward 5	Dominic Agostino Fred Eisenberger
Ward 6	Tom Jackson Bob Charters
Ward 7	Henry Merling Terry Anderson
Ward 8	Don Ross Frank D'Amico

* * * * *

His Worship Mayor Robert M. Morrow subscribed to the Declaration of Office and the Oath of Allegiance before Her Honour Judge Marjoh Agro followed by the Aldermen.

* * * * *

A musical presentation was performed by the Bach Elgar Choir.

* * * * *

The Scripture was read by Rabbi Morton Green, Adas Israel Synagogue.

* * * * *

His Worship Mayor Robert M. Morrow addressed Council, Members of the Clergy and Special Guests followed by a Musical Presentation performed by The Hamilton Concert Band.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the First Report of the Nominating Committee with Mayor Morrow in the chair.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

NOMINATING COMMITTEE - FIRST REPORT
--

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the First Report of the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

BILL D-1

It was moved by Alderman Kiss and seconded by Alderman Caplan that Bill D-1 be now read a first time:

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider Bill D-1, with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on Bill D-1, be adopted. -

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Bill D-1 be now read a third time, signed, sealed and enrolled as a By-law.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico. -17.

NAYS: -0.

CARRIED.

1994 December 1

Reverend Csaba Baksa, John Calvin Hungarian Presbyterian Church gave the closing prayer.

* * * * *

City Council then adjourned at 7:40 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R. M. Morrow

J. J. Schatz
City Clerk

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

The Nominating Committee presents its **FIRST** Report and respectfully recommends:

1. Approval of the following appointments, for the 1995-1997 Term of City Council (except where otherwise noted):

(a) Transport and Environment Committee

Alderman H. Merling, Chairperson
Alderman V. Agro, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Kiss
Alderman B. Morelli
Alderman G. Copps
Alderman D. Agostino
Alderman T. Jackson
Alderman F. D'Amico

(b) Parks and Recreation Committee

Alderman T. Jackson, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman Wm. McCulloch
Alderman B. Morelli
Alderman D. Wilson
Alderman T. Anderson
Alderman D. Ross

(c) Planning and Development Committee

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman Wm McCulloch
Alderman G. Copps
Alderman F. Eisenberger
Alderman B. Charters
Alderman H. Merling

(d) Finance and Administration Committee

Alderman B. Charters, Chairperson
Alderman D. Ross, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Kiss
Alderman V. Agro
Alderman D. Drury
Alderman D. Wilson
Alderman D. Agostino
Alderman T. Anderson

(e) Hamilton-Scourge Steering Committee

Alderman Wm. McCulloch Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman B. Morelli
Alderman D. Agostino
Alderman B. Charters
Alderman T. Anderson
Alderman D. Ross

(f) Hamilton Entertainment and Convention Facilities Inc.

Mayor R. M. Morrow
Alderman T. Jackson
Alderman B. Charters
Alderman H. Merling
Alderman T. Anderson

(g) Licensing Committee

Alderman D. Drury
Alderman D. Wilson
Alderman F. Eisenberger

(h) Public Library Board

Alderman D. Wilson
Alderman T. Jackson

(i) **Hamilton Civic Hospitals Board of Governors**

Alderman B. Morelli (Mayor's Designate)
Alderman H. Merling

(j) **Committee of Adjustment**

(Term of Office to expire 1995 December 1)

Alderman B. Charters
Alderman H. Merling

(k) **Parking Authority**

Alderman V. Agro
Alderman D. Agostino
Alderman F. D'Amico

(l) **Canadian Football Hall of Fame & Museum Management Committee**

Alderman D. Agostino
Alderman T. Anderson
Alderman D. Ross

(m) **Hamilton Hydro Electric Commission**

Mayor R. M. Morrow

(n) **Hamilton Region Conservation Authority**

(Nominated for Appointment by Regional Council)

Alderman M. Kiss
Alderman M. Caplan
Alderman D. Wilson
Alderman F. Eisenberger
Alderman B. Charters
Alderman T. Anderson

(o) **Hamilton Mundialization Committee**

Alderman G. Copps
Alderman F. D'Amico

(p) Art Gallery of Hamilton Board of Management

Alderman Wm. McCulloch

(q) Hamilton Region Arts Council Board of Directors

Alderman D. Drury

(r) Hamilton-Wentworth Creative Arts Board of Directors

Alderman F. Eisenberger

(s) Hamilton Safety Council

Alderman F. D'Amico

(t) Hamilton Society For the Prevention of Cruelty to Animals

Alderman T. Jackson

(u) Symphony Hamilton Board of Directors

Alderman V. Agro

(v) Senior Citizens Council

Alderman B. Morelli

Alderman T. Jackson

(w) Theatre Aquarius Board of Directors

Alderman T. Anderson

(x) United Way Board of Directors

Alderman F. D'Amico (nominee)

(y) Barton Street Business Improvement Area

Alderman B. Morelli

Alderman D. Drury

(z) Concession Street Business Improvement Area

Alderman H. Merling
Alderman T. Anderson

(aa) Downtown Hamilton Business Improvement Area

Alderman V. Agro
Alderman Wm. McCulloch

(bb) International Village Business Improvement Area

Alderman V. Agro
Alderman Wm. McCulloch

(cc) Main Street West Esplanade Business Improvement Area

Alderman M. Kiss
Alderman M. Caplan

(dd) Ottawa Street Business Improvement Area

Alderman B. Morelli
Alderman D. Drury
Alderman G. Copps
Alderman D. Wilson

(ee) Westdale Village Business Improvement Area

Alderman M. Kiss
Alderman M. Caplan

(ff) Hamilton-Wentworth Council on Smoking and Health

Alderman M. Caplan

(gg) Court of Revision

Alderman M. Kiss
Alderman D. Drury
Alderman D. Ross

(hh) Greater Hamilton Sports Corporation

Alderman T. Anderson (Parks and Recreation Committee Chairman's Designate)

(ii) Large Urban Section Executive of the Association of Municipalities of Ontario

Mayor R. M. Morrow

(jj) Selection Committee
(Term of Office to expire 1995 December 1)

Alderman B. Morelli
Alderman D. Wilson
Alderman D. Agostino
Alderman H. Merling
Alderman D. Ross

(kk) YMCA Board of Directors
(nominee)

Alderman D. Ross

(ll) Single Tier Bureaucracy Review Steering Committee

Mayor R. M. Morrow
Alderman B. Charters
Alderman M. Caplan

(mm) Municipal Non Profit (Hamilton) Housing Corp.

Alderman D. Drury
Alderman D. Wilson
Alderman T. Jackson
Alderman B. Charters
Alderman H. Merling
Alderman T. Anderson
Alderman D. Ross

2. That Alderman F. Eisenberger be appointed Chairman of City Council Committee of the Whole for December 1994, January and February, 1995.

3. That leave be granted to introduce the following Bill:

Bill D-1: A By-law to Confirm the proceedings of the Council of the Corporation of the City of Hamilton.

Respectfully submitted,

Mayor R. M. Morrow, Chairman
Nominating Committee

JJS/dg

1994 December 9

Minutes of the Special
City Council Meeting
Friday, 1994 December 9
11:00 o'clock a.m.
Council Chambers, City Hall

The Council met.

Present: Acting Mayor Copps,
Aldermen Kiss, Caplan, McCulloch, Drury, Jackson, Charters, Ross, D'Amico.

Absent: Mayor Robert M. Morrow - other business
Alderman Agro - vacation
Alderman Morelli - other business
Alderman Wilson - other business
Alderman Agostino - civic business
Alderman Eisenberger - vacation
Alderman Merling - civic business
Alderman Anderson - vacation

Acting Mayor Copps called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Planning and Development Committee be now considered in Committee of the Whole with Acting Mayor Copps in the Chair.

Recorded vote.

YEAS: Acting Mayor Copps, Aldermen Kiss, Caplan, McCulloch, Drury, Charters,
Jackson, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - FIRST REPORT

Monster Homes - Ainslie Wood Neighbourhood

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole, be adopted.

Recorded vote.

YEAS: Acting Mayor Copps, Aldermen Kiss, Caplan, McCulloch, Drury, Charters, Jackson, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that Bill C-1 and Bill C-2 be now read a first time.

Recorded vote.

YEAS: Acting Mayor Copps, Aldermen Kiss, Caplan, McCulloch, Drury, Charters, Jackson, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider Bill C-1 and Bill C-2 with Acting Mayor Copps in the chair.

Recorded vote.

YEAS: Acting Mayor Copps, Aldermen Kiss, Caplan, McCulloch, Drury, Charters, Jackson, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on Bill C-1 and Bill C-2, be adopted. -

Recorded vote.

YEAS: Acting Mayor Copps, Aldermen Kiss, Caplan, McCulloch, Drury, Charters, Jackson, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Bill C-1 and Bill C-2, be now read a third time, signed, sealed and enrolled as By-laws.

Recorded vote.

YEAS: Acting Mayor Copps, Aldermen Kiss, Caplan, McCulloch, Drury, Charters, Jackson, D'Amico, Ross. -9.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 11:20 o'clock a.m.

* * * * *

Taken as read and approved.

Acting Mayor G. Copps

J. J. Schatz, City Clerk
1994 December 9
JJS/dg

CORRESPONDENCE

Correspondence:

1. Application dated 1994 November 14 from John and Corrine Martin, Hamilton, Ontario for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "C" (Urban Protected Residential, etc.) District, for lands located at No. 100 Stone Church Road East, Hamilton, Ontario.

Recommendation: **Be Received.**

2. Application dated 1994 December 6 from 530149 Ontario Limited and Clara Ip, In Trust, Hamilton, Ontario for a modification to the "H" (Community Shopping and Commercial, etc.) District for the property at No. 366 to 368 King Street West.

Recommendation: **Be Received.**

3. Application dated 1994 December 6 from The Regional Municipality of Hamilton-Wentworth for a modification to the "AA" (Agricultural) District, for lands located at 680 Van Wagner's Beach Road (Confederation Park), Hamilton, Ontario.

Recommendation: **Be Received.**

4. Letter dated 1994 November 30 from T. W. Woodhouse, General Manager, Hydro-Electric Commission for the City of Hamilton respecting general retail rates charged to customers for electrical consumption in 1995.

Recommendation: **Be Received.**

5. Letter dated 1994 November 28 from Duncan M. Beattie, Chairman, Hamilton Harbour Commissioners respecting New Development Charges By-law.

Recommendation: **Be Referred to the Finance and Administration Committee.**

6. Letter dated 1994 November 24 from J. J. Schatz, City Clerk respecting an objection to By-law 94-178 respecting property at 180 Walnut Street South, Hamilton, Ontario. (previously distributed).

Recommendation: **Be Received.**

7. Letter dated 1994 November 24 from J. J. Schatz, City Clerk respecting an objection to By-law 94-179 respecting property at 1200 Upper James Street, Hamilton, Ontario. (previously distributed).

Recommendation:

Be Received.



4.

HAMILTON HYDRO-ELECTRIC SYSTEM

55 JOHN STREET NORTH, HAMILTON, ONT. L8N 3E4

November 30th, 1994

The Council of the Corporation
of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

ATTN: Mr. J. J. Schatz, City Clerk

Dear Members of Council:

Ontario Hydro has committed itself to hold to a zero increase in the wholesale cost of power to our utility for the year 1995.

At Hamilton Hydro, wages are still frozen in keeping with the Social Contract, and we have budgeted next year's capital and operating expenses at slightly less than the 1994 level.

As a result, we will be seeking Ontario Hydro approval to lower the general retail rates charged to our customers for electrical consumption in 1995 by an average of 1%.

Yours truly

T. W. Woodhouse
General Manager
Hydro-Electric Commission
of the City of Hamilton

TWW*lk

OFFICE OF THE CITY CLERK	
DEC 01 1994	
REC. BY	<i>col</i>
REF'D. TO	DATE
REF'D. TO	DATE
REF'D. TO	DATE
ACTION: <i>FOR CITY POWER</i>	
CC. <i>CAO</i>	
TREASURER	

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554



5.

November 28, 1994

Mr. J. J. Schatz
City Clerk
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz,

SUBJECT: New Development Charges By-Law

OFFICE OF THE CITY CLERK
NOV 30 1994
REC. BY: *ad* DATE: _____
REF'D. TO: _____ DATE: _____
REF'D. TO: _____ DATE: _____
REF'D. TO: _____ DATE: _____
ACTION: *FOR CITY COUNCIL*
FORWARD COPY TO
CAC / BLDG. / TREASURY
LAW / PLANNING

We note that Council will be considering the enactment of a new development charges by-law.

As you may be aware, The Hamilton Harbour Commissioners have made several representations to staff and the City's Finance and Administration Committee respecting our concerns with development charges and specifically, the City's Development Charges By-Law.

We wish to take this opportunity to restate these comments and concerns.

1. Based on direct feedback from waterfront users, we believe development charges are inhibiting industrial growth. Almost all new industrial growth since the recession has been in the small business sector. This sector, at this time, has only one concern; that being costs.
2. The largest single component of fixed overhead costs for these businesses is realty and business taxes. Since development charges cannot be identified with the provision of any immediate direct or specific service, small business simply views the charge as another tax, and a front-end one at that.
3. Since 1986, municipal taxes have grown substantially faster than both port charges and the consumer price index. We feel that eliminating the development charge (tax) has the potential to be the first step in getting our communities' industrial tax rate back in line with other costs and charges.
4. Over the past two years, the Commissioners have established over twenty new small businesses on the waterfront. For the most part they have located in existing Commissioners-owned facilities (to keep costs down) but all have the potential to expand and construct their own plants (on or off H.H.C. property) at some point. The Commissioners have the serviced land available to accommodate them, but expansion would not happen, if the first thing they had to face was a development charge. The entire concept is contrary to the thought process and development strategy required for

bringing along new businesses.

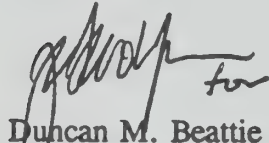
It is our view that if a new business can get started and make it through the first year or so, the realty and business taxes, job creation and other associated spin offs will more than compensate for any front end charge.

5. We have been advised by two specific port users that if the development charge was to be applied to their construction projects that the development could no longer be justified. The development charge is a substantial fee for which the proponent has not budgeted and is unable to work into the economic equation.
6. On the national level, the Canada Port and Harbour Association recently completed a Canada-wide survey of Realty and Business Taxes and Development and Other Charges and Fees. This survey was administered to thirty Harbour Commissions and Ports Canada Ports (*i.e.* all major Canadian ports). This survey found that Hamilton is the only port in Canada to which development, or other front end, growth-related, charges is assessed. To compete on a national and international basis, these types of charges should be more consistent otherwise the new investment will be lost to other port communities.

Based on our experience, our recommendation would be the elimination of these charges for non-residential development or an exemption for port development.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS



Duncan M. Beattie
Chairman

1994 December 13

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FIRST** Report and respectfully recommends:

1. That four-way stop control be implemented at the intersection of Bond Street North and Devon Place and that the City Traffic By-law 89-72 be amended accordingly.
2.
 - (a) That a School Crossing Guard be assigned to the intersection of Hester Street and Greeningdon Drive; and,
 - (b) That the Hamilton-Wentworth Regional Police and Traffic Department Parking Control staff be directed to continue monitoring the intersection for parking violations and stop sign violations; and,
 - (c) That the existing "No Parking" regulation at the intersection of Hester Street and Greeningdon Drive be replaced with "No Stopping" regulation and that the City Traffic By-law 89-72 be amended accordingly.
3.
 - (a) That stopping be prohibited on the west side of John Street North from Simcoe Street to 160 feet northerly therefrom; and,
 - (b) That stopping be prohibited on the east side of John Street North from Simcoe Street to a point 151 feet northerly therefrom; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
4. That a "Permit Parking" regulation be implemented on the south side of Forest Avenue commencing at a point 128 feet west of John Street South and extending to a point 23 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.

5. That the existing "No Parking" regulation on the east side of David Avenue which commences at Crestwood Drive and extends to a point 152 feet northerly therefrom be shortened such that the regulation commences at Crestwood Drive and extends to a point 68 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
6. That the existing "Alternate Side Parking" regulation on Dunsmure Road between Walter Avenue North and Adeline Avenue be replaced with a "No Parking" regulation on the south side and unrestricted parking on the north side of the street and that the City Traffic By-law 89-72 be amended accordingly.
7. That a "No Stopping, Wheelchair Loading Only, 9:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the west side of Tragina Avenue North commencing at a point 66 feet south of Vansitmart Avenue and extending to a point 23 feet southerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
8.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Bold Street commencing at a point 168 feet east of Locke Street South and extending to a point 22 feet easterly therefrom; and,
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Messina, No. 313 Bold Street; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
9. That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 8:00 p.m., Monday to Friday" regulation on both sides of Avondale Avenue between Beach Road and Gertrude Street be removed and that the City Traffic By-law 89-72 be amended accordingly.
10. That a "No Parking" regulation be implemented on the north side of Angus Road commencing at Quigley Road and extending to Selway Court and that the City Traffic By-law 89-72 be amended accordingly.
11. That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Grosvenor Avenue North between Campbell Avenue and a point 80 feet southerly be removed and that the City Traffic By-law 89-72 be amended accordingly.

1994 December 13

12. That the existing "No Parking, Loading Zone" on the north side of Roxborough Avenue commencing at a point 30 feet west of Kenilworth Avenue and extending to a point 36 feet westerly therefrom, be removed and that the City Traffic By-law 89-72 be amended accordingly.
13. That the by-law entry allowing for a "Permit Parking" regulation on the north side of Stanley Avenue from a point 527 feet east of Dundurn Street South to a point 25 feet easterly therefrom, be rescinded.
14. That a "Commercial Vehicle Loading Zone, 9:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the south side of King William Street commencing at a point 64 feet east of John Street North and extending to a point 22 feet easterly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
15.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Fairfield Avenue commencing at a point 38 feet north of Vansitmart Avenue and extending to a point 27 feet northerly therefrom; and,
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Cardwell, No. 356 Fairfield Avenue; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
16.
 - (a) That the existing "One Hour Parking Time Limit, 8:00 a.m. to 11:00 p.m., Monday to Saturday" regulation on the south side of Whitney Avenue which commences 108 feet west of Merricourt Road and extends to a point 170 feet westerly therefrom be shortened such that the regulation commences 108 feet west of Merricourt Road and extends to a point 150 feet westerly therefrom; and,
 - (b) That the existing "No Parking" regulation on the south side of Whitney Avenue which commences 278 feet west of Merricourt Road and extends to a point 152 feet westerly therefrom be extended such that the regulation commences 258 feet west of Merricourt Road and extends to a point 172 feet westerly therefrom; and,
 - (c) That the existing by-law entry allowing for the implementation of a "No Parking, 6:00 p.m. to 8:00 a.m., Monday to Saturday" regulation on the south side of Whitney Avenue from 108 feet west of Merricourt Road to a point 25 feet westerly therefrom be rescinded; and,

- (d) That the City Traffic By-law 89-72 be amended accordingly.
17. That stopping be prohibited on the south side of Hunter Street West from 135 feet west of Locke Street South to a point 170 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
 18. That stopping be prohibited on the north side of Lucerne Avenue from 50 feet east of Holmesdale Avenue to a point 50 feet west of Holmesdale Avenue and that the City Traffic By-law 89-72 be amended accordingly.
 19. That the existing "No Parking, 1:00 p.m. to 4:00 p.m., every 2nd Tuesday each month, April to November" regulation on the north side of Forest Avenue between the extended west curb line of Aurora Street and Wellington Street South, be replaced with a "No Parking" regulation and that the City Traffic By-law 89-72 be amended accordingly.
 20. That a "No Parking" regulation be implemented on the north and east sides of Leslie Avenue/West 23rd Street commencing at a point 118 feet east of Price Avenue and extending to the north property line of 83 West 23rd Street and that the City Traffic By-law 89-72 be amended accordingly.
 21. That a "No Parking" regulation be implemented on the west side of Kings Forest Drive commencing at Nova Drive and extending to a point 88 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
 22. That the existing "Permit Parking" regulation on the west side of James Street North commencing at a point 124 feet north of Macauley Street West and extending to a point 20 feet northerly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.
 23. (a) That the existing "No Parking" regulation on the west side of Mary Street commencing at Wilson Street and extending to a point 278 feet northerly therefrom be replaced with a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation; and,

(b) That the existing "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Mary Street between Wilson Street and Kelly Street be replaced with a "No Parking" regulation; and,

- (c) That the City Traffic By-law 89-72 be amended accordingly.
24. That a "No Parking" regulation be implemented on the east side of Spring Street commencing at a point 123 feet north of Main Street East and extending to a point 30 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
 25. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West 3rd Street commencing at Richwill Road and extending to the southerly end including the bulb of the court and that the City Traffic By-law 89-72 be amended accordingly.
 26. That the existing "No Parking" regulation on the south side of Newlands Avenue which commences at Kenilworth Avenue North and extends to a point 142 feet westerly therefrom be extended, such that the regulation commences at Kenilworth Avenue North and extends to a point 185 feet westerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.
 27. That the existing "No Parking - Loading Zone" on the north side of Robinson Street which commences at a point 96 feet west of James Street South and extends to a point 20 feet westerly therefrom, be replaced with a "No Parking" regulation commencing at a point 115 feet west of James Street South and extending to a point 31 feet westerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.
 28. That the entry in the City Traffic By-law 89-72 allowing for the implementation of a "Permit Parking" regulation on the east side of Fairfield Avenue from a point 368 feet north of Britannia Avenue to a point 18 feet northerly therefrom be rescinded.
 29. That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the south side of Crockett Street between East 34th and East 35th Streets be shortened such that the regulation commences at East 35th Street and extends to a point 118 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
 30. (a) That a "Permit Parking" regulation be implemented on the south side of Cumberland Avenue, commencing at a point 48 feet east of the extended east curb line of Balsam Avenue and extending to a point 158 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,

1994 December 13

- (b) That the Director of Traffic Services be authorized to issue, upon request one parking permit to the residents of Nos. 431 and 423 Cumberland Avenue and two parking permits to the residents of Nos. 425 and 427 Cumberland Avenue, to a maximum of seven permits.
31. (a) That a "Permit Parking" regulation be implemented on the west side of Cameron Avenue South commencing at a point 25 feet north of Central Avenue and extending to a point 28 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,
- (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Frid, No. 54 Cameron Avenue South.
32. That the Director of Traffic Services be authorized to issue a Time Limit Exemption Permit to Mr. Jason Boulton, No. 123 St. Joseph's Drive.
33. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" be implemented on the north side of Ruby Street commencing at a point 32 feet east of Rushdale Drive and extending to a point 38 feet easterly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
34. That the existing "Commercial Vehicle Loading Zone, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the west side of Kinrade Avenue, commencing at a point 580 feet south of Barton Street East and extending to a point 36 feet southerly therefrom, be removed and that the City Traffic By-law 89-72 be amended accordingly.
35. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first seven eligible applicants residing in the apartment building at No. 530 Aberdeen Avenue.
36. That a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the north side of Queensdale Avenue West commencing at West 2nd Street and extending to a point 68 feet west of Upper James Street and that the City Traffic By-law 89-72 be amended accordingly.
37. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the south side of Nelligan Place commencing at a point 231 feet east of

Erin Avenue and extending to a point 22 feet easterly therefrom and that the City Traffic By-law 89-72 be amended accordingly.

38. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the south side of Grenfell Street between Holly Avenue and Benson Avenue and that the City Traffic By-law 89-72 be amended accordingly.
39. (a) That a "Permit Parking" regulation be implemented on the north side of Canada Street commencing at a point 194 feet west of Locke Street South and extending to a point 18 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Luigi Mattina, No. 134 Canada Street.
40. That the existing "Permit Parking" regulation on the north side of Peter Street commencing at a point 316 feet west of Queen Street North and extending to a point 40 feet westerly therefrom, be removed and that the City Traffic By-law 89-72 be amended accordingly.
41. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Leslie Avenue between West 33rd and West 34th Streets and that the City Traffic By-law 89-72 be amended accordingly.
42. That a "Wheelchair Loading Zone, 9:00 a.m. to 8:00 p.m., seven days a week" regulation be implemented on the west side of Oak Avenue commencing at a point 208 feet north of Cannon Street East and extending to a point 26 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
43. That the existing "Permit Parking" regulation on the south side of Dunsmure Road commencing at a point 78 feet west of Glassco Avenue and extending to a point 20 feet westerly therefrom and on the north side of Dunsmure Road commencing at a point 85 feet west of Glassco Avenue and extending to a point 20 feet westerly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.

44. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the north side of Charlton Avenue West commencing at a point 120 feet west of Locke Street South and extending to a point 41 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
45.
 - (a) That the existing residential boulevard parking agreement registered as instrument no. 194290 C.D. to the property at No. 939 Central Avenue be discharged, at the property owner's expense; and,
 - (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and,
 - (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
46.
 - (a) That the existing residential boulevard parking agreement registered as instrument no. 195897 to the property at No. 72 Leeming Street be discharged, at the property owner's expense; and,
 - (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and,
 - (c) That the owner of the property be permitted to execute a revised residential boulevard parking agreement.
47. That eastbound traffic on Whitney Avenue be required to stop for northbound and southbound traffic on Bowman Street and that the City Traffic By-law 89-72 be amended accordingly.
48. That northbound traffic on Carousel Avenue be required to stop for eastbound and westbound traffic on Fieldway Drive and that the City Traffic By-law 89-72 be amended accordingly.
49. That all-way stop control be implemented at the intersection of Hughson Street North and Rebecca Street and that the City Traffic By-law 89-72 be amended accordingly.

1994 December 13

50. That westbound traffic on Chester Avenue be required to stop for northbound and southbound traffic on Appleblossom Drive and that the City Traffic By-law 89-72 be amended accordingly.
51. That westbound traffic on Lynette Drive be required to stop for northbound and southbound traffic on Claudette Gate and that the City Traffic By-law 89-72 be amended accordingly.
52. That northbound traffic on Fairington Crescent be required to stop for eastbound and westbound traffic on Eastgate Court and that the City Traffic By-law 89-72 be amended accordingly.
53. That northbound traffic on Tara Court be required to stop for eastbound and westbound traffic on Summercrest Drive and that the City Traffic By-law 89-72 be amended accordingly.
54. That four way stop control be implemented at the intersection of Fairfield Avenue North and Roxborough Avenue and that the City Traffic By-law 89-72 be amended accordingly.
55. That a School Crossing Guard be assigned to the intersection of Cannon Street East and Wentworth Street North during the morning, lunch and evening school crossing periods.
56. That a purchase order be issued to Canadian Corps of Commissionaires (Hamilton), for parking enforcement services for 1995, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

<u>Position</u>	<u>Billing Rate Per Hour</u>
Sergeant	\$11.91
Commissionaire	\$10.98

57. That a purchase order be issued to 3M Canada Inc., London, for the supply and delivery of reflective sheeting as and when required during 1995 by the Traffic Department, at the unit prices attached, being the lowest or only bid received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through Traffic Sign Materials Account No. CH56154 75999.

1994 December 13

58. (a) That, in accordance with Section 15(1) of the Police Services Act, 1990, the following persons be appointed as Parking Control Officers:

Lucy Smith
David Jack
John Pelletier

- (b) That the following appointments as Parking Control Officers be repealed:

Gordon Peddle
Leo Lavoie
Howard Murray

59. That City Council enact the By-law to authorize an increase in the City's Share of \$8,600. for the construction of local improvements of a combined sidewalk and curb on the south side of Brock Street from John Street North to approximately 24 m east of Hughson Street North.
60. That the proposed alteration of Ferguson Avenue North from Cannon to Barton Street to provide for a road width varying from 8.5 m to 11.0 m, be advertised under Section 300 of the Municipal Act being Chapter M.45 of the Revised Statutes of Ontario 1990 and that the necessary By-law be prepared by the Director of Public Works and advertised by the City Clerk.
61. That the City Treasurer be directed to close the following Capital Project account with any excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Funding
CF 5200 608651001	Centralized Computer Control System	\$300,000.	\$299,971.28	\$28.72	Reserve for Capital (Un-classified) & Debentures

1994 December 13

62. That the Acting Director of Public Works be given the authority to extend the existing tender and terms of agreement with Jensen Tire for the sale and maintenance of tires to 1995 April 28.
63. That the application of the Chau, Hung Tam, owner of 115 Park Street North to erect and maintain the encroachment of an awning measuring 0.91m x 12.91m onto the Park Street road allowance, be approved provided:
 - (a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the applicant pay a first year fee of \$252. and an annual fee of \$20.
64. That the applications to retain inadvertent encroachments at the locations outlined on Appendix "A", appended hereto, be approved provided:
 - (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees outlined in Appendix "A" be set for the encroachments.
65. (a) That the submitted schedule of works be adopted for inclusion in the Modified Subdivision Agreement with the Owners for the estimated costs of services on;

"LAND SEVERANCE APPLICATIONS H-46 TO 49-94", Hamilton

City's Share \$ 2,635.

Owner's Share - \$23,892

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Modified Subdivision Agreement with the Owners of "Land Severance Applications H-46 to 49-94", Hamilton as well as any other related documents required for this development subject to the approval of the City Solicitor; and,
 - (c) That additional funding in the amount of \$ 45,000. for the City's share of municipal services in "Beaverton Estates", subdivision originally approved by Council on June 29, 1990, be approved; and,
 - (d) That the City's share of services for "Beaverton Estates", Hamilton (\$ 45,000) and "Land Severance Applications H-46 to 49-94", Hamilton (\$ 2,635), be approved and that the Finance and Administration Committee recommend the source of funding for these projects.
66. (a) That the following City land be incorporated into the streets:
- | | | |
|-------------------------|---------------|----------------|
| Gardiner Drive | Block 11 | Plan 62M-333 |
| Terni Boulevard | Block 30 | Plan 62M-733 |
| Ewen Road | Part 1 | Plan 62R-6555 |
| Upper Wellington Street | Parts 4,6,8,9 | Plan 62R-12407 |
| Jacqueline Boulevard | Part 2 | Plan 62R-13161 |
- (b) That the By-laws to carry out the incorporation of the said land into the foregoing streets be enacted by City Council.
 - (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the By-laws.
67. (a) That an Option to Purchase, duly executed by Marilyn Bruzzese on 1994 October 31 and scheduled to close on or before 1995 February 3 for firstly, a release subject to the terms of this Option of all rights, title and interest of the owner in her right-of-way over the City land known municipally as 874 West 5th Street, Hamilton, more specifically being described as Parts 1 and 2 on Plan 62R-11971. Secondly, a release subject to the terms of this Option of all rights, title and interest of the owner in her right-of-way over the remainder of the City land known municipally as 874 West 5th Street, Hamilton, more specifically being described as Part 3 on Plan 62R-11971, be approved and completed and the purchase price of \$2. be charged to Account No. CH5X303 00107 (Reserve for City's Share of Services through Unsubdivided Lands); and,

- (b) That it is understood and agreed that all the rights, title and interest of the Owner in her right-of-way over the City land being Part 3, Plan 62R-11971 are to cease at such time as Part 3, Plan 62R-11971 and Part 5, Plan 62R-11860 are incorporated into the road allowance for the highway extension of Annabelle Street, Hamilton; and,
 - (c) That it is understood and agreed that the closing of this Option to Purchase be conditional upon the City of Hamilton registering a by-law lifting the One Foot Reserve being Parcel "E", Plan 823 by incorporating said Parcel into the public highway known as Annabelle Street, Hamilton; and,
 - (d) That the owner agrees that her sale of the said release to the City shall be carried out by the owner entering into a release agreement or a quit claim deed as may be required by the City on closing; and,
 - (e) That the City Solicitor be directed to prepare all the necessary documents; and,
 - (f) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
68. That a One Foot Reserve measuring 0.305 metres x 53.146 metres (1 foot x 174 feet) more or less, being composed of part of Lot 17, Concession 7, shown as Part 27 on Plan 62R-11788 be conveyed to the Region for the sum of \$1. and be credited to Account No. CH4X501 00102 (Reserve for Property Purchases).
69. (a) That the Chairman or his designate be authorized to attend the Ontario Good Roads Association Annual Conference to take place on 1995 February 19 to February 22 Royal York Hotel, Toronto, Ontario.
- (b) That costs for attendance be charged to Aldermen Travel Account No. CH55201 10010 from the 1994 Operating Budget.
70. (a) That the West Central Branch of the Ministry of the Environment and Energy (M.O.E.E.) be advised that the City of Hamilton has no objection to Premier Waste Systems receiving an amendment to their Certificate of Approval No. A100210, located at 306 Lake Avenue North, Hamilton, provided that all environmental safeguards normally associated with this type of activity are implemented to the satisfaction of the Ministry and that all applicable City By-laws are complied with fully; and,

- (b) That a copy of this report be forwarded to the West Central Branch of the Ministry of the Environment and Energy (M.O.E.E.) for their consideration in the preparation of the amendments to the Certificate of Approval which regulate the operation of Premier Waste Systems.
- 71. That four-way stop control be implemented at the intersection of Belmont Avenue and Roxborough Avenue and that City Traffic By-law 89-72 be amended accordingly.
- 72. That three-way stop control be implemented at the intersection of Ottawa Street South and Sherbrooke Street and that the City Traffic By-law 89-72 be amended accordingly.
- 73. That four-way stop control be implemented at the intersection of Maple Avenue and Garside Avenue South and that the City Traffic By-law 89-72 be amended accordingly.
- 74. That, when a vacancy occurs in either the position of Traffic Signal Specialist or the position of Traffic Signal Technician, either a Traffic Signal Specialist or a Traffic Signal Technician may be posted as a replacement.
- 75. (a) That in accordance with the Provincial Government's 3Rs Regulations which mandate leaf and yard waste composting effective January 1, 1995, consideration be given in the 1995 current budget deliberations for the Director of Public Works to initiate a leaf and yard waste management plan in accordance with the following criteria:

- i. **Education**

A primary focus will be placed on a comprehensive education and promotional campaign to encourage citizen participation in mulching and recycling of leaf and yard waste as opposed to the collection of this compostable material. The campaign would involve mascots, pamphlets, newspaper advertising, radio commercials, billboards on Public Works vehicles, workshops and visits to area schools at a cost not to exceed \$106,000.; and,

ii. **Backyard Composters**

The City of Hamilton should fully support the use of backyard composters and offer a financial contribution to the Region of Hamilton-Wentworth's campaign in the amount of \$14,000. to encourage the Region to enhance their backyard composting program through a specific "blitz" of subsidized composters for the target area, Crown Point East neighbourhood, to assess the merits of composting in diverting waste; and,

iii. **Leaf and Yard Waste Collection/Diversion Alternatives**

Recognizing that the 3Rs dictate that municipalities must provide collection or acceptance of leaf and yard waste in a manner that is reasonably convenient to the generator, a range of diversion and collection variables must be studied. The evaluation of available methodologies will lead to an optimum understanding of service and cost implications with a 1995 current budget cost not to exceed \$20,000.

Information from these pilot projects would be applied to the entire City area for a cost/waste diversion analysis in a report to Committee and Council in anticipation of a City wide collection program beginning in 1996; and,

- (b) That the Regional Municipality of Hamilton-Wentworth be requested to provide convenient leaf and yard waste transfer station services to the City of Hamilton and transportation from the transfer location of all leaf and yard waste collected by the City to a composting facility either operated or contracted by the Region; and,
- (c) That the Regional Municipality of Hamilton-Wentworth be requested to include the transfer station tipping fees and composting costs for the City of Hamilton leaf and yard waste within the Regional Levy; and,

- (d) That the Regional Municipality of Hamilton-Wentworth be requested to direct any surplus funds from the City of Hamilton portion of the Regional Waste Management levy as a result of the anticipated savings from the new disposal contract in 1996 and the diversion of an estimated 20% leaf and yard waste, to be used for the timely implementation and operation of the City of Hamilton's Leaf and Yard Waste Program; and,
- (e) That this proposal be forwarded to the Ministry of Environment and Energy (M.O.E.E.) for their consideration at this time as the costs of implementing a full scale program in light of our contractual commitment would ultimately lead to the cancellation of high priority core programs; and,
- (f) That the Director of Public Works be authorized to apply to the M.O.E.E. for grant subsidy for the capital costs in establishing the Leaf and Yard Waste Program.

76. That leave be granted to introduce the following Bills:

- (a) A-1 A By-law to Incorporate Block 11, Plan 62M-333 into Gardiner Drive
- (b) A-2 A By-law to Incorporate Block 30, Plan 62M-733 into Terni Boulevard
- (c) A-3 A By-law to Incorporate Part 1, Plan 62R-6555 into Ewen Road
- (d) A-4 A By-law to Incorporate Parts 4, 6, 8 and 9 Plan 62R-12407 into Upper Wellington Street
- (e) A-5 A By-law to Incorporate Part 2, Plan 62R-13161 into Jacqueline Boulevard
- (f) A-6 A By-law to Amend By-law No. 89-72 to Regulate Traffic

1994 December 13

(g) A-7 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1994 December 5

Appendix "A" as referred to in
Section 64 of the FIRST Report
of the Transport and Environment
Committee

<u>Location</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year Annual</u>	<u>File Number</u>
295 John St. N.	A. Cottone and P. Walker	Steps measuring 0.45' x 10'	\$158/20.	T103-50 1108
114 Ferrie St. E.	J. Mamodeiro	Veranda & Steps measuring 5.0' x 3	\$158/20.	T103-50 1119
321 MacNab St. N.	E. Thornberry	Steps measuring 1.06m x 0.272m	\$158/20.	T103-50 1132
13 Clyde St.	A. Rego	Porch measuring 0.75m x 2.21m	\$158/20.	T103-50 800
360 Bay St. N.	I. Hudson	Step measuring 1.5m x 0.56m and Balcony measuring 4.5m x 1.14m	\$252/20.	T103-50 1127
366 Cope Street	N. Nedich	Veranda measuring 5.69m x 0.25m	\$158/20.	T103-50 1118
39 Campbell Avenue	Kuzemczak	Steps measuring 1.12m x 0.84m	\$158/20.	T103-50 1131
262 Roxborough Ave	M & C Murphy	Steps measuring 1.224m x 0.914m	\$158/20.	T103-50 1123
502 Bay St. North	Cowan	(SE) Steps measuring 1.86m x 1.27m (NE) Steps measuring 2.19m x 0.90m Wall and Eaves measuring 9.30m x 1.38m	\$158/20.	T103-50 1134
134 Sanford Ave N	H. Mattinson	Steps measuring 1.16m x 1.40m Porch measuring 0.61m x 3.51m	\$158/20.	T103-50 1133

1994 December 13

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FIRST** Report and respectfully recommends:

1. (a) That approval be given to the Organizing Committee of the 1994 Canadian Junior/Juvenile Golf Championships to host the 1996 Ontario Junior/Juvenile Golf Championships in Hamilton in conjunction with the Hamilton Sesquicentennial Celebrations; and,

 (b) That the Organizing Committee report back to the Parks and Recreation Committee on the details of the event including dates, location, etc.
2. (a) That approval be granted to enter into an agreement with Automatic Mart Corp., (Fred Ernst, Owner and President) for a period of two years beginning 1995 January 1, and scheduled to terminate 1997 December 31, for the supply, installation and service of Sports Card Vending Machines at selected City Arenas and Recreation Centres; and,

 (b) That the City Solicitor be requested to draft the appropriate agreement; and,

 (c) That this agreement include the mutual right to discontinue this service in whole or in part, given 30 days notice from one party to the other, without penalty; and,

 (d) That the City retain the right to approve all sports cards, playing cards, stickers, subject matter being sold within its facilities pertaining to this agreement; and,

 (e) That revenue received from this contract be deposited in Concession Fee Accounts for each specific facility.
3. That funds in the amount of \$60,000. previously set aside for a comprehensive audit of the Culture and Recreation Department be carried forward to 1995 and used to fund the costs of financial consulting assistance for the Department.

4.
 - (a) That the organizational format for the Cemetery Division, as outlined in Appendix "A" attached hereto, be approved for implementation on 1995 January 1, with referral to the Human Resource Centre respecting job descriptions and salary classifications, recognizing a net current budget reduction of \$65,000; and,
 - (b) That as a component of the cemetery restructuring, the position of Superintendent of Operations, Cemetery Division, which will be vacant on 1995 January 1, through early retirement, be eliminated and two vacant labourer positions be filled on a seasonal basis; and,
 - (c) That a position of Support Clerk I, Cemetery Division be created; and,
 - (d) That the City Solicitor be authorized and directed to prepare a By-law to amend By-law 8861 to reflect the changes as per Appendix "B" attached hereto; and,
 - (e) That the Cemetery Business Plan, outlined in Appendix "C" attached hereto, be approved for phased implementation; and,
 - (f) That the City Treasurer and Manager of Cemeteries be authorized to develop a payment plan system for people using our cemetery services; and,
 - (g) That the Manager of Cemeteries be authorized to develop and print an informational/advertising brochure at a cost not to exceed \$10,000. and funded from within the overall 1995 Cemetery Division current budget; and,
 - (h) That the Tariff of Charges for City-owned Cemeteries, as set out in Appendix "D", be implemented on 1995 January 1 upon receipt of approval from the Ministry of Consumer and Commercial Relations, Cemetery Branch.
5. That the Director of Public Works be authorized to notify the Ontario Parks Association of our willingness to host the Annual General Meeting and Seminar in 1996 instead of 1997.
6.
 - (a) That the Senior Director of Roads be authorized and directed to reconstruct the Chedoke Mountain Steps leading from Cliffview Park to Chedoke Golf Course; and,
 - (b) That the City's share of \$378,000. of the estimated total cost of \$458,000. be charged to Account No. CF629449012.

7. That City Council approve the following effective 1995 January 1:
- (a) That the Treasurer be authorized to establish a Reserve account for the New Mum Show Sub-Committee and the funds on deposit and all other fundraising monies received by the current Sub-Committee be credited to this account; and,
 - (b) That monies in this Reserve be utilized by the Sub-Committee to finance future mum shows and to purchase items and/or services required for future fundraising events; and,
 - (c) That all expenditures charged to the Reserve account be authorized by the Secretary of the New Mum Show Sub-Committee in accordance with requisitions issued by the New Mum Show Sub-Committee signed by two of the following:

New Mum Show Sub-Committee Chairperson
New Mum Show Sub-Committee Treasurer
New Mum Show Sub-Committee Chairperson in Charge of Promotions; and,
 - (d) That the Treasurer be authorized to open a City of Hamilton "deposit only" account for the Sub-Committee at the Canadian Imperial Bank of Commerce; and,
 - (e) That the balance of monies raised by the Mum Show Committee (prior to becoming a Sub-Committee of City Council) which are on deposit with the Province of Ontario Savings Office be transferred to the City of Hamilton; and,
 - (f) That the Sub-Committee submit an operating budget to the Parks and Recreation Committee for approval for 1995 and subsequent years.
8. (a) That the resolutions forwarded by the Honourable David Crombie concerning the Red Hill Valley Remediation be modified as follows:
- i. That the Council of the Corporation of the City of Hamilton supports the environmental cleanup/remediation of the Red Hill Creek Valley, and supports the development of the World Biosphere Interpretative Centre as long as it does not prejudice any potential road alignment in the Red Hill Valley and does not include any changes in the ownership of this land; and further

- ii. That the proposed work commence as soon as possible in co-operation with the Waterfront Regeneration Trust, the Province of Ontario, the Hamilton Region Conservation Authority and the City of Hamilton; with the Hamilton Region Conservation Authority being the co-ordinating agency; and further
 - iii. That, in order to facilitate the completion of this co-operative project, the City of Hamilton and the Hamilton Region Conservation Authority enter into a joint management agreement for an initial two-year term to permit the proposed work to be undertaken on City-owned property; and further
 - iv. That the terms of the joint management agreement be brought back to City Council and the Conservation Authority by 1995 January 31, for consideration; and,
- (b) That the basis for the City of Hamilton's position in formulating a joint management agreement between the City and the Hamilton Region Conservation Authority for the purposes of advancing the Red Hill Creek Valley Remediation package detailed in Appendix "E", be approved.
9. (a) That the term of current members serving on the West Harbourfront Development Study Steering Committee be confirmed to coincide with the completion of the West Harbourfront Development Study; and,
- (b) That Alderman William McCulloch be appointed as the elected representative of the Parks and Recreation Committee to replace Regional Chairman Terry Cooke.
10. (a) That approval be given to issue a purchase order to Arrowhead Paving in the amount of \$95,264.80, excluding G.S.T., to install concrete pathways, rubberized asphalt and a creative play area in Beasley Park in accordance with the revised plan prepared by the Parks Division staff, the specifications issued by the Purchasing Division, with the vendor's proposal, and be funded from the Central Beasley P.R.I.D.E. H.INT Account Number CF5200 429102003; and,

1994 December 13

- (b) That approval be given for the actions of the Chief Administrative Officer for authorizing construction to proceed on this work recognizing that this work is to be completed as soon as possible, and therefore the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states, "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairperson, the Chief Administrative Officer and that any action taken under this provision be reported to the next regular meeting of City Council".
- 11. That approval be given to ratify the actions taken by the Director of Public Works through the Manager of Parks to increase the existing contract with Arrowhead Paving by \$29,000. to allow for additional (502m²) concrete paving of the existing gravel pathways at Beasley Park and this additional amount be funded from the Central Beasley P.R.I.D.E. H.INT. Account Number CF5200 429102003.
- 12.
 - (a) That the City of Hamilton endorse the Letter Carriers Alert Programme, through which seniors may register voluntarily to have their letter carrier watch for accumulated mail or other indications of possible trouble and subsequently notify a pre-named contact person of the seniors potential need for assistance; and,
 - (b) That the Letter Carriers Alert Programme issue be referred to the Regional Municipality of Hamilton-Wentworth - Services for Seniors Sub-Committee.

Respectfully Submitted,

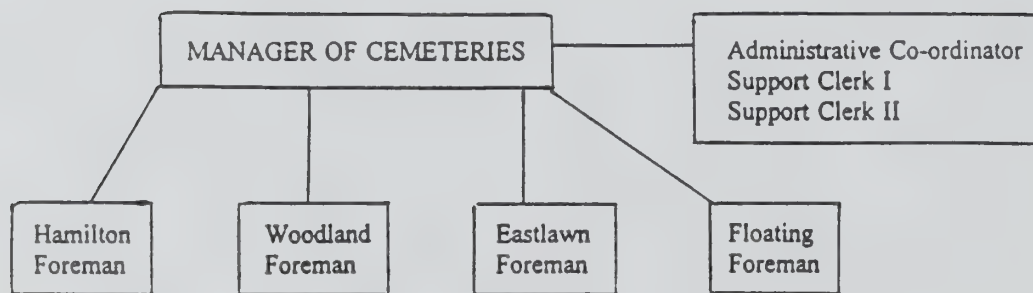
**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

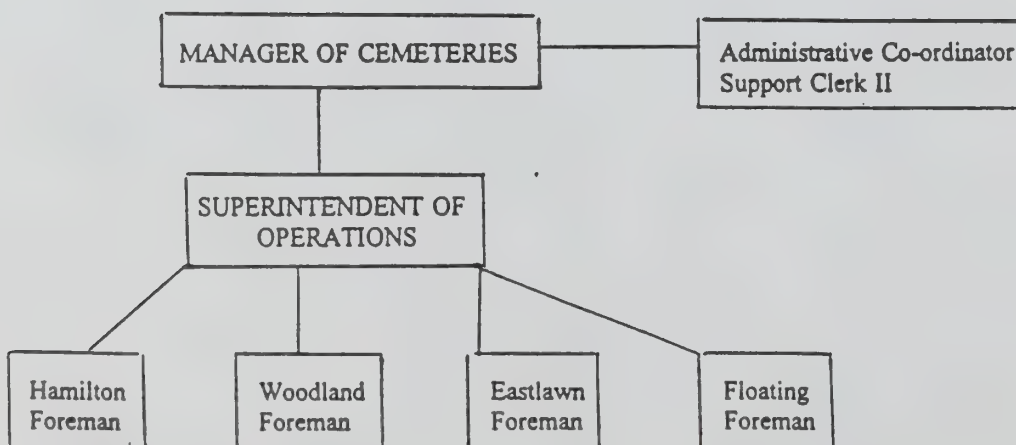
1994 December 6

Appendix "A" as referred to in
Section 4 of the FIRST Report
of the Parks and Recreation
Committee

**PROPOSED ORGANIZATIONAL FORMAT
EFFECTIVE JANUARY 1, 1995**



EXISTING ORGANIZATIONAL FORMAT



Appendix "B" as referred to in
Section 4 of the FIRST Report
of the Parks and Recreation
Committee

THE BY-LAWS
of the
HAMILTON MUNICIPAL
CEMETERIES

Contents

Preface	1
Administration	1
Definitions	4
Contracts & Transfer of Interment Rights	6
Interments and Disinterments	9
Care of Lots - General	12
Care of Lots - Flowers	14
Monuments and Markers - General Information	15
Monuments	16
Markers	19
Rules for Monument Dealers, Contractors and Workers	20
Columbarium Regulations	22
Mausoleum Regulations	23
Rules for Visitors	24

Preface:

These By-laws govern the following cemeteries:

Hamilton Cemetery	Stoney Creek Cemetery
Woodland Cemetery	Trinity Cemetery
Eastlawn Cemetery	St. Peter's Cemetery
Burkholder Cemetery	Bartonville Cemetery
Mt. Hamilton Cemetery	Barton Stone Cemetery
Smith's Cemetery	St. George's Cemetery
Binkley Cemetery	Ryckman's Cemetery
Mansion of Memories Mausoleum	

And any Cemetery which may in the future become the responsibility of the City of Hamilton.

The Council of the Corporation of the City of Hamilton in the discharge of their responsibilities, appeal to the public to aid them by following these by-laws, which have been adopted for the improvement and upkeep of the cemetery, to keep it a becoming and respectful place for the burial of the dead.

The above mentioned Cemeteries are licensed to act as cemeteries in accord with the Cemeteries Act, R.S.O., 1990.

These By-laws are adopted for the mutual protection of the Interment Rights Holders, the staff, the general public and the City of Hamilton.

All Interment Rights Holders, visitors, cemetery employees, person working directly or indirectly for Interment Rights Holders and all graves or lots shall be subject to these rules and regulations as well as amendments or alterations as shall be adopted by the City of Hamilton.

It is our hope that by a co-operative effort we can keep the Cemeteries attractive and peaceful.

A) Administration

Ownership 1. The Corporation of the City of Hamilton reserves full and complete control and management of all assets of the Corporation including but without limiting the generality of the foregoing: land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer these by-laws.

Manager's power 2. The Manager shall have custody of the Cemetery under the direction of the Corporation. No interment or removal of bodies shall take place without notice to the Manager, who shall see that a proper Burial Permit or other certificate required by law is furnished in each instance.

Disclaimer 3. The Corporation expressly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.

Precaution to protect	4. The Corporation shall take reasonable precautions to protect the property of Interment Rights Holders but it assumes no liability or responsibility for the loss of or damage to any article of any type that is placed on any lot or grave.
Ownership	5. All Cemeteries listed above are owned and operated by the City of Hamilton.
Reporting Structure	6. Hamilton Municipal Cemeteries is a division of the Public Works Department and reports to the Parks and Recreation Committee through the Director of Public Works, herein after called the Cemeteries.
Manager's Authority	7. The Manager of Cemeteries or his representative shall uphold the provisions of the By-laws and the Cemeteries Act. The manager has the authority to make final and binding decisions based on the By-laws. Appeals to the Manager's decision can be made to the Director of Public Works.
Duties	8. Duties of Hamilton Municipal Cemeteries: a) To manage and maintain all cemeteries under its jurisdiction b) To uphold the provision of the Cemetery Act. c) To uphold the provision of the Cemetery By-laws.
Rights	9. Hamilton Municipal Cemeteries have the right to enlarge, reduce, replot, and/or change the boundaries or grade of the cemeteries.
Discrimination	10. All decisions made by the City and the Cemeteries shall be made without regard to race, creed, colour, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age.
Notice	11. All notices required by any By-law or regulation to be given to any Interment Rights Holder may be given personally, or may be mailed to the last known post office address of such Rights Holder or his legal personal representatives, and proof that such notice was so mailed shall be good and proof that such notice was given.
Headings	12. The headings and marginal notes are not part of the By-laws and are intended only for the assistance of the reader and are not binding.

B) Definitions

1. "Cemetery" means land set aside to be used for the interment of human remains and this includes Mausoleum, Colombarium or any other structure intended for the interment of human remains.
2. "Ministry" means the Ministry of Consumer and Commercial Relations for the Province Ontario.
3. "Corporation" means the Corporation of the City of Hamilton.
4. "Council" means the Hamilton City Council.
5. "Treasurer" means the Treasurer of the City of Hamilton.
6. "Bylaw" when used in relation to a cemetery, means the rules under which a cemetery is operated.
7. "Manager" means the Manager of Hamilton Municipal Cemeteries as appointed by Council.
8. "Grave" means an area of land in a cemetery containing, or set aside to contain, human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium.
9. "Adult Grave" means any burial space intended for an adult, and having a minimum size of approximately 0.91 meters (3 feet) by 2.74 meters (9 feet).
10. "Children's Grave" means any burial space of 0.91 meters (3 feet) by 1.83 meters (6 feet).
11. "Infant Grave" means any burial space intended for an infant, and having a minimum size of 45.72cm (18 inches) by 0.91 meters (3 feet).
12. "Cremation Grave" means any burial space intended to receive not more than 2 (two) cremated remains and having a minimum size of 45.72cm (18 inches) by 1.22 meters (4 feet).
13. "Interment Rights" includes the right to require or direct the interment of human remains in a lot, grave etc..
14. "Interment Rights Holder" means a person with Interment Rights with respect to a lot or grave and includes a purchaser of Interment Rights under the Cemeteries Act, being chapter C.3 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act.
15. "Plan" means the plan of the cemetery, approved by the Ministry of Consumer and Commercial Relations for Ontario.
16. "Lot" means two or more graves in which the rights to inter have been sold as a unit.
17. "Register" means electronic, or written records of the Cemeteries, kept in accordance with the Cemeteries Act.
18. "Certificate of Interment Rights" means the certificate issued by the Corpora-

tion to the purchaser of Interment Rights in either a lot, grave or niche.

19. "Care and Maintenance Fund" means the trust fund in which all monies received by the Corporation for the care and maintenance of lots, graves, markers and monuments have been invested.
20. "Trust funds" means those funds in which a trustee may invest, which are defined in the "Trustee Act", R.S.O. 1990, CH. T. 23
21. "Monument" means any permanent memorial projecting above the ground level and situated on a base.
22. "Marker" means any memorial of Granite or bronze on a granite base, set flush with the surface of the ground, and used to mark the location of a lot or grave. A marker also may mean an ornament affixed to or intended to be affixed to a lot such as a columbarium niche or other structure or place intended for the deposit of human remains.
23. "Corner-posts" means any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot.
24. "Mausoleum" means a building or structure, other than a columbarium, used as a place for the interment of the human remains in sealed crypts or compartments.
25. "Columbarium" means a structure designed for interring cremated human remains in sealed compartments.
26. "Cremorial" means a structure designed for interring of cremated remains.
27. "Tariff of Charges" means a price list set by Council.
28. "Resident" means a person living in the City of Hamilton at the time of death or purchase of a service or product. It may also be a person who does not reside within the city limits but whose name appears on the assessment roll.

C) Contracts & Transfer of Interment Rights

- | | |
|----------------------------|---|
| Right to Sell | 1. No person shall sell Interment Rights unless that person does so on behalf of the Corporation. |
| Sale of Interment Rights | 2. Interment Rights in lots and graves may be purchased from the Corporation at the rates filed with the Ministry and according to the plans approved by the Ministry of Consumer and Commercial Relations for Ontario that are on file in the office of the Manager of the Cemetery. The prices for Interment Rights include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund. |
| Rates | 3. The Tariff of Charges is set annually and normally comes into effect on January 1. No charges shall be made that are not covered in the Tariff of Charges. |
| Payments | 4. All cheques, money orders, etc. should be made out to Hamilton Municipal Cemeteries and must accompany the signed contract. |
| Contracts | 5. All contracts must be signed by the purchaser and the Manager or their duly authorized representative. |
| Procedure to Purchase | 6. Interment Rights for lots and graves shall be deemed to be sold or reserved from sale when such sale or reservation is reported at the Cemetery Office. All Interment Rights must be purchased at the Cemetery Office and the Purchaser or their representative is to be shown the lot or grave that they have purchased the Rights to, and pay all charges that are incurred at the Cemetery Office. |
| Singles in a Row | 7. Single graves in a row may be secured in the sections designated for that purpose at the prices laid down in the Tariff of Charges, and there shall be no choice of location, as the graves will be filled in regular order. Single graves in a row shall not be sold to be reserved for future interment. |
| Preferred Singles | 8. Preferred single graves may be purchased in advance of need. |
| On Hold | 9. Hamilton Municipal Cemeteries will hold preferred single graves and lots for three months without any payment unless the three month period enters a new Tariff of Charges period. |
| Care & Maintenance Formula | 10. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the Cemeteries Act, R.S.O., 1990 that came into effect April 1st, 1992. <ol style="list-style-type: none"> 1. In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$150. 2. In the case of an in-ground grave for the burial of a child or of cremated remains, 40% of the selling price. 3. In the case of a crypt in a mausoleum, the greater of 20% of the selling price or \$500. 4. In the case of a niche or compartment in a columbarium, the greater of 15% of the selling price or \$100. |

- | | |
|--------------------------------------|---|
| Income from
Care &
Maintenance | 11. The income from the Care and Maintenance Fund shall be expended by the City in such a manner as will be most advantageous to the Interment Rights Holders as a whole. The City Council has the full power and authority to determine upon what property, for what purpose and in what manner the income from said Care and Maintenance Fund shall be expended for the care, reconstruction, repair and maintenance of all or any portion of the Cemeteries' grounds, and, it may also expend said income for attorney's fees and other costs necessary to the preservation of the legal rights of the City in connection with the Cemeteries. |
| Cemetery's
Duty | 12. The Corporation shall provide each Rights Holder at the time of sale with: <ol style="list-style-type: none"> 1. a copy of the contract. 2. a copy of the Cemetery By-laws 3. upon payment in full, a Certificate of Interment Rights. |
| Purchaser's
Rights | 13. Purchasers of Interment Rights acquire only the right and privilege of burial of the dead and of constructing monuments or placing markers, subject to the Cemetery By-laws from time to time in force and approved by the Ministry of Consumer and Commercial Relations. |
| Interments | 14. No Interment Rights will be granted onto a roadway or pathway unless the road or pathway is closed. |
| Transfers
to Others | 15. To ensure the correctness of records of ownership and interments, no transfer of any Interment Rights or any interest therein shall be binding upon the Corporation until notice is given in writing to the Manager of the Cemeteries, specifying the name and address of the proposed transferee and date of transfer, and such particulars have been entered in a register for that purpose. Upon receipt of such notice, and payment of a fee, the transfer shall be made. |
| Transfer
by Heirs | 16. Where a transfer of Interment Rights for a burial lot is made by the heirs or a representative of a deceased Rights Holder, proof by sworn declaration or otherwise that such heirs or representatives, have a right to convey shall be made to the satisfaction of the Manager of Cemeteries before such transfer shall be registered. |
| Repurchase
Rights | 17. An Interment Rights Holder may require, by written demand, the Cemetery to repurchase the rights at any time before they are used. The Cemetery shall repurchase the Rights within thirty days from the date that the request was received. |
| Repurchase
Formula | 18. The repurchase price of the Interment Rights, shall be the amount paid by the purchaser for the rights less the amount paid by the cemetery owner to the Care and Maintenance Fund. This also applies to all purchases or contracts that were made before this Act came into being. |
| Unknown
Price | 19. If the original selling price is unknown, the repurchase price shall be deemed to be \$50.00 according to the Cemeteries Act, R.S.O., 1990. |
| Limit of
Repurchase | 20. In accordance with the Cemeteries Act, R.S.O., 1990, the Corporation is not required to repurchase the Interment Rights for more than four lots held by the same interment right holder in a twelve month period. |

- | | |
|------------------------------------|---|
| Time Limit
to Repurchase | 21. The Corporation after receiving such a demand, shall repurchase the Interment Rights within thirty days after receiving the demand. |
| No Refund | 22. NO REFUND will be made for any lot if any Interment Rights have been exercised. |
| Cancellation
Period | 23. Any purchaser of supplies or services from The Corporation may cancel, by written notice to the Corporation, to the attention of the Manager, the contract to purchase at any time before the services or the supplies are provided. No supplies will be ordered or service supplied until the 30 day grace period has passed. |
| Cancellation
Void | 24. Section 23 does not apply if the supplies or services are provided within thirty days after the contract is made as a result of the death and interment of the person for whom the supplies or services were contracted. |
| Responsibility | 25. Interment Rights Holders and pre-need Rights Holders are responsible to keep the cemetery office informed of any changes to the contract, especially address and telephone number. |
| Rights
Abandoned | 26. If any Interment Rights have not been used after a 20 year period has passed, they may be considered abandoned. The cemetery may apply to the Registrar of the Ministry for a declaration that the Interment Rights are abandoned after making inquiries and giving reasonable notices to find the Interment Rights Holders or beneficiaries. Upon being satisfied that the rights are abandoned, the Registrar shall issue a declaration to that effect. If there is not an appeal by the end of the time period allowed for appeal, the Cemetery may resell the lot in question. |
| Redress for
Abandoned
Rights | 27. Any person whose Interment Rights have been resold after being declared abandoned may apply to the Registrar for redress. Upon receiving an application for redress, the Registrar shall order the Corporation to provide better or equivalent Interment Rights in that cemetery or to refund the amount that it would cost to purchase better or equivalent Interment Rights in the cemetery or if no Interment Rights are available in the cemetery, in the closest cemetery appropriate to the religious or ethnic affinities of the person whose Interment Rights have been resold. |

D) Interments and Disinterments

Winter	1. Winter interment shall take place weather permitting.
Limits	2. Not more than two interments shall be made in any single grave except: <ol style="list-style-type: none"> 1. in areas designated for single depth interment. 2. the cremated remains of not more than 2 persons. 3. in addition to a standard interment, the cremated remains of not more than 1 person.
Container Requirement	3. Remains to be buried in a lot or grave must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
Authorization	4. All interments must be authorized in writing by the Interment Rights Holder except the interment of the Interment Rights Holder.
Supervision	5. The Manager of the cemetery, their assistant or someone in the employ of the Corporation shall be in attendance at each interment.
Requirements for Interment	6. A burial permit issued by the Division Registrar, showing that the death has been registered, the fee for the opening of the lot or grave according to the fee found in the Tariff of Charges and a signed contract, must be deposited with the Manager of Cemeteries before interment can take place.
Requirements for Cremation Interment	7. In the case of a cremation interment, the cremation certificate and the prescribed fee for this service according to the Tariff of Charges plus a signed contract must be deposited with the Manager of Cemeteries.
Funeral Directors	8. Funeral Directors ordering graves will not be responsible for charges incurred, but must send the immediate family or person responsible for burial to the Cemetery office to arrange payment of all charges incurred before the burial takes place. If no family is available the Funeral Director is responsible for charges and signing of contracts.
Authorization	9. When Interment Rights in a lot/grave are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the lot or grave as may be requested.
Opening Rights	10. No lot or niche shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Cemetery, except under special circumstances, and by permission of the Manager of Cemeteries.
Fee Includes	11. The interment fee includes the opening and closing of the lot, grave or niche and the registration of the burial.
Disinterments	12. No person shall remove human remains, except cremated remains from a cemetery unless a certificate of a Medical Officer of Health and the Manager of Cemeteries confirming that the Cemeteries Act and the regulations have been complied with is affixed to the container. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to the Cemeteries Act and regulations.

- | | |
|--------------------|---|
| Responsibility | 13. The Cemetery will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment. |
| No Interment | 14. No interment shall be permitted in any lot, grave or niche where the burial rights have not been paid in full. |
| Funeral Routes | 15. Funeral corteges within the cemetery shall follow the route indicated by the Manager or their Designate |
| Cemetery Rights | 16. The Cemetery shall have the sole right to supply tents, lowering devices and grave dressings at all burials. Charges for the foregoing work will be made according to the rates laid down in the Tariff of Charges. |
| Correction | 17. The Cemetery reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot, or the transfer or conveyance of any Interment Rights. The Cemetery may either cancel such grant and substitute other Interment Rights, or lot of equal value and similar location, as far as is reasonably possible; or refund all money paid on account for such purchase. Notice will be given personally to the Rights Holders. If necessary, it may be mailed to the Rights Holders or their legal representatives, at their last appearing address in the record books of the Cemetery. In the event any such error may involve the disinterment of remains, the Cemetery shall first obtain the approval of any regulatory authority and the Interment Rights Holder. |
| Not Responsible | 18. The Cemetery shall not be held responsible for any errors in any arrangements made over the phone. These arrangements shall be made in writing when the contract is signed. |
| Notice | 19. Notice of each interment to be made shall be given to the Manager of the Cemetery at least 8 working hours in advance. The Cemetery cannot be held responsible for having graves prepared for funerals unless such notice is given. |
| Animal Burials | 20. Bodies of any animals shall not be buried in the Hamilton Cemeteries. |
| Sunday & Holiday | 21. The Cemetery will not do any Sunday or Statutory Holiday interments unless ordered to do so by a representative of the Ministry of Health. |
| Disaster Authority | 22. In the event of a disaster which results in numerous interments in the Cemeteries, the Cemetery crew will work whatever hours are necessary as authorized by the Cemetery Manager. The Cemetery Manager has the authority to handle the numerous interments as orderly and as quickly as possible. |
| Delay in Interment | 23. The Cemetery shall in no way be held liable for any delay in the interment of a body where a protest to the interment has been made, or where these By-laws have not been complied with; and further, the Cemetery reserves the right under such circumstances to place the body in a receiving vault until the full rights have been determined. The Cemetery shall be under no obligation to recognize any protests of interments unless they are made in writing and filed with the Cemetery Manager. |

- | | |
|-----------------------------|--|
| Additional Fees for Changes | 24. If, for any reason, instructions concerning the location of the burial space to be opened are changed by the Funeral Director, Interment Rights Holder or their representatives after the digging has begun or been completed, they are responsible for the payment of applicable additional fees to the Cemetery. Such fees shall be paid before any work is done pursuant to the revised instructions. |
| Scattering | 25. Scattering of Cremated Remains is not allowed in a Cemetery. |
| 2 Remains | 26. No more than two (2) Cremated Remains are to be interred in a Cremation Space. |
| Internal Dimensions | 27. It is the responsibility of the Interment Rights Holder to check with the Cemetery as to the internal dimensions of Columbariums, Cremorials etc., so that urn or urns fit properly. |

E) Care of Lots - General

Care By Employee	1. All lots and graves shall be maintained, kept properly graded, sodded, mown and flat markers and sunken graves levelled by employees of the Cemetery.
Not Include Watering	2. The care of lots does not include the watering of the grass and care of shrubs etc., as the Cemetery does not bind itself to expend a greater amount for such care than is received for that purpose.
Manager's Permission	3. No person shall do any work upon a burial lot without the permission of the Manager.
Bushes & Shrubs	4. Dwarf evergreen trees, shrubs, flowering or other plants may be cultivated only on the lots that are in designated sections of the Cemeteries, and only in such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Manager. No trees or shrubs growing within any lot may be removed or altered without the consent of the Manager.
Restrictions	5. In designated sections, dwarf evergreen trees are permitted only on lots having a monument, and only one shall be planted on either side of the monument. All plantings must be approved by the Manager.
Height	6. The height of such shrubs and/or ornamental trees shall at no time exceed 2.44 meters (8 feet) above adjacent ground level.
Width	7. The diameter of such shrubs and/or ornamental trees at their widest point, including all foliage shall at no time exceed 45.72cm (18 inches), or obstruct adjacent lots.
Outside Contractors	8. Rights Holders desiring outside gardeners to do work on their lots must furnish the Manager with written authority for the same. Gardeners or florists or their employees shall not enter the Cemetery on Sunday for business purposes.
Notice	9. If any trees or shrubs situated in any lot shall have become by means of their roots or branches or in any other way, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Cemetery may remove such trees, shrubs or parts thereof after 30 days notice to the Interment Rights Holder. If such item is detrimental to a burial, then no notice is required.
Glass	10. NO GLASS CONTAINERS of any kind are allowed in the cemetery at any time due to safety requirements.
Articles	11. Nails, wires, wooden crosses, articles of glass or pottery or any other material that create a hazard to workers and to visitors when neglected or broken are not allowed in the cemetery.
Landscape Borders	12. Borders of landscape rubberized variety, properly installed are allowed on Cemetery Property
Other Borders Removal of	13. All other fences and borders are disallowed because of safety and operational hazards.

- | | |
|-----------------------------|---|
| Materials | 14. Implements or materials used in doing any work within the cemetery shall be removed without delay and if this is not done, the Manager shall remove the same without recourse by the owner or user thereof. |
| Change of Grade | 15. No Interment Rights Holder shall change the grading of their lot, and in case of any such change, the Cemetery will restore the lot to its original grade at the expense of the Interment Rights Holder. |
| Moving Markers | 16. No unauthorized person shall sod, move cornerposts or lot markers. |
| Control | 17. All grading, burials, foundations, landscaping, disinterments, removals, improvements, settings and all care of lots shall be done or controlled by the Cemetery. |
| Corporation Not Responsible | 18. The Corporation shall not be responsible for loss or damage to any articles left upon any lot or grave. |

F) Care of Lots - Flowers

- | | |
|--|--|
| Right to Remove | 1. The Cemetery reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or when for any other reason such removals are in the best interest of the Cemetery. |
| Artificial Flowers | 2. Artificial flowers are permitted from Nov. 1 to April 1, provided they are properly maintained and not detrimental to the general maintenance of the cemetery. |
| Hanging Baskets | 3. Hanging flower baskets are allowed in the designated flower garden areas if properly maintained. The Cemetery will remove those that are not properly maintained. |
| Flower Beds | 4. In designated sections only; flower beds not exceeding 45.72cm (18 inches) in width shall be permitted in front of the bases of monuments and markers, and where there is no monument or marker, can only be made by permission of, and under the supervision of the Manager. |
| Receptacles for Flowers
Unplanted Flower Beds | 5. Receptacles for cut flowers shall be placed below the surface of the lawn. |
| | 6. To preserve the orderly appearance in the cemetery, any flower bed of the previous year which has not been planted by June 15th, may be sodded by the Cemetery and the cost charged to the Interment Rights Holder. |
| Removal of Wanted Flowers | 7. Flower beds shall be cleared of tender plants after the first frost of the autumn. Rights Holders desiring to take any plants away should do so before their removal becomes necessary. |
| Potted Plants | 8. Potted plants must be in flowerbed area as close to the monument base or marker as practical. |
| Roses | 9. Rose bushes are not permitted anywhere in the Cemeteries. |
| Wreaths | 10. Artificial wreaths without glass or plastic covers are allowed to be placed on the lot after November 1, provided they are securely fastened to a stand and securely anchored to the ground. |
| Wreath Removal | 11. To preserve the proper appearance of the grounds, and to allow spring cleanup, artificial wreaths must be removed before April 1st of each year, otherwise Cemetery authorities will remove them. |

G) Monuments and Markers - General Information

Payments	1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full.
Requirements	2. All installations of foundations and markers shall be arranged by the Rights Holder through the Cemetery Office subject to the conditions of these by-laws. Contracts are required to be signed and the fees paid according to the Tariff of Charges.
Inscriptions	3. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the cemetery.
Permission	4. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Manager.
Requirements	5. No monument or marker will be delivered to the cemetery without the Request for Installation form containing the following information: <ol style="list-style-type: none"> 1. The Interment Rights Holders name & address. 2. Instructions for placement of the marker or monument. 3. The dimensions in the case of a flat marker. 4. In the case of a monument: <ol style="list-style-type: none"> 1. The dimensions of the die, height, width, length. 2. The dimensions of the base, height, width, length. 3. The overall size of the monument. 4. A description of the monument; colour and design. 5. The appropriate amount for the Care & Maintenance Fund in relation to the size of the marker/monument as set out in the Cemeteries Act, R.S.O., 1990, must accompany the monument.
Care & Maintenance Fund	6. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the Cemeteries Act, to the Corporation's, Care and Maintenance Fund. The interest earned from this fund will be used to maintain the markers or monuments in a safe condition.
Formula	7. The amounts are as follows: <ol style="list-style-type: none"> 1. For installing a flat marker measuring at least 1115.85 square centimeters (173 square inches), \$50 2. For installing an upright marker measuring 1.22 meters (4 feet) or less in height and 1.22 meters (4 feet) or less in length, including the base, \$100 3. For installing an upright marker measuring more than 1.22 meters (4 feet) in either height or length, including the base, \$200
Safety	8. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Cemetery shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.
Bronze	9. The use of bronze is approved for doors and window grilles of mausoleums and other mausoleum fixtures and statuary, also for tablets when attached to granite flat markers.

H) Monuments

- | | |
|---------------------------|---|
| Definition | 1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level and on a base. |
| No Liability | 2. The Cemetery will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to, any monument, or part thereof except where such damage or loss is due to its negligence. |
| Mower Wear | 3. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Cemetery to be normal wear. |
| Control | 4. The Cemetery reserves the right to determine the maximum size of monuments, their number and their location on each lot. They must not be of a size that it would interfere with any future interments. |
| Duplication | 5. A monument should be designed with reference to its surroundings, consideration being given to the number, size and character of others near at hand. Interment Rights Holders are earnestly requested not to duplicate any design in the immediate vicinity of their lots. |
| Checking
With Cemetery | 6. After selecting a monument or headstone, Interment Rights Holders should not close the purchase until they have advised the Manager of the size, style and material, and found whether the rules will admit of its being erected or not. It often happens that a monument can not be erected because the lot is too small, or because there are trees or graves in the way, or because the lot is a restricted one, upon which no monument is allowed. |
| Composition | 7. Interment Rights Holders, subject to the approval of the Manager, shall have the right to erect proper stones or monuments, but all such stones and monuments must be free from visible defects, as regards to their quality of endurance, nor shall any veneered marble monuments be erected, and no tablet or monument or other structure composed in whole or in part of wood or iron shall be placed upon any lot, but all headstones shall be made of granite or other durable material, and no artificial stone will be permitted to be used for the above purposes. |
| 2 Grave | 8. A 2 grave lot is allowed one upright monument, 2 footstones and 4 cornerposts. Due to the work involved to keep these level, the quantity allowed on a lot is restricted. |
| Overall
Restriction | 9. Except as herein otherwise specially provided, no monument or marker will be permitted covering a ground space of more than 10% of the total area of the lot or fraction of lot on which it is placed. |
| Single Grave | 10. No upright monument is allowed upon a single grave unless in areas designated for such. |
| Size | 11. The maximum size monument allowed on a double lot is:
Height 1.22 meters (4 feet) overall height (including base)
Maximum Base size 96.52cm (38 inches) by 35.56cm (14 inches) |

Horizontal Force	12. All monuments must be able to withstand a minimum of 100 lbs. of horizontal force applied anywhere on the monument without toppling. This must be achieved in the dry mode (no caulking).
Thickness	13. The minimum thickness of a die shall be 20.50cm (8 inches). Should the monument exceed 122.92cm (48 inches) overall height, the die must be 25.40cm (10 inches).
Dowelling	14. All monuments with dies that are less than 20.32 cm (8 inches) thick must be dowelled to the base and able to withstand the 100 lbs. standard.
Dowel Composition	15. Dowels must be made of minimum 127 mm (1/2") non-corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 7.62cm (3 inches) deep and no more than 32 mm (1/8") larger in diameter than the diameter of the dowel.
Bases	16. The die stones must be installed on a granite base. The height of the base shall be minimum of 20.3 cm. (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 7.6 cm. (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
Width	17. The maximum width of a base is controlled by the width of the lot where it will be installed. No base shall be closer than 7.6 cm (3 inches) to the lot width side lines on which it is to be installed.
Vertical Joints	18. To ensure stability, no mausoleum, vault or monument shall have any uncovered vertical joints.
Inscription Both Sides	19. Unless adjoining lots are owned, both sides of the stone cannot be used.
Alignment	20. Monuments must be placed at the center of the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Manager before a monument is set.
Pillow	21. No book or pillow markers shall be allowed in the cemetery.
Photographs	22. All photographs attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the owner.
Foundations	23. All foundations for monuments and markers shall be built by, or contracted to be built for, the Cemetery at the expense of the Interment Rights Holder.
Charges	24. The charges for the construction of foundations are set forth in the Tariff of Charges.
Season	25. No foundations may be constructed after November 15th in any year and before April 1st in the following year.
Composition	26. The foundation shall be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and shall be rebuilt by the Cor-

poration at the expense of the Interment Rights Holder. Foundations will be not less than 1.52 meters (5 feet) deep and they will be set at the Manager's direction.

1. The required concrete mix for foundations will be:
20.5 MPA
75 mm slump
20 mm aggregate
5% +/-1% Air Entraining agent
Trowel finish all edges.
2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
3. Foundations must be cured for a minimum of 48 hours before placing the monument.
4. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27cm (1/2 inch).

I) Markers

Permits	1. An Interment Rights Holder can have an approved marker installed at the head of the grave AFTER providing the Manager with a marker permit and paying the fee listed in the Tariff of Charges
Season For Installation	2. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months.
Sizes	3. Markers or Footstones of granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations as per the size of lot in that section. Its placement must not interfere with future interments. <div style="margin-left: 40px;"> <div>single in a row maximum</div> <div>45.72cm x 60.96cm 18" x 24"</div> <div>preferred single grave</div> <div>45.72cm x 60.96cm 18" x 24" Only</div> <div>two grave lot maximum</div> <div>45.72cm x 60.96cm 18" x 24"</div> <div>cremation lot</div> <div>25.40cm x 30.48cm 10" x 12" Only</div> <div>children's grave</div> <div>25.40cm x 30.48cm 10" x 12" to 45.72cm x 35.56cm 18" x 14" depending on grave size</div> </div>
Set Level	4. Flat Markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them and shall be set by employees of the Cemetery, at the expense of the Interment Rights Holder, on payment of the fee provided in the Tariff of Charges.
Use of Bronze	5. The following applies to bronze markers when used as flat markers: <div style="margin-left: 40px;"> <div>1. The casting shall be true, free from blemishes and weakening defects and imperfections, and without any "sandlike" roughness.</div> <div>2. All bronze markers shall be cast with integral bosses on the back in locations specified by the cemetery; the bosses to be drilled or tapped to receive lugs of brass or bronze of 95mm (3/8") diameter and from 10.16cm to 15.24cm (4" to 6") in length. The necessary number of anchor lugs to be supplied by the dealer with each marker.</div> <div>3. Every bronze marker must be bolted through granite measuring 45.72cm x 60.96cm (18"x 24") and 10.16cm (4") in thickness.</div> <div>4. The bronze alloy in markers shall consist of approximately 85% copper, 5% tin, 5% zinc, 2% lead ; with all other elements not exceeding 3%.</div> </div>
Foot Marker	6. One marker may be placed at each grave in addition to the monument. The marker shall be placed at the end of the lot farthest from the monument and shall not exceed 45.72cm x 60.96cm 18" x 24"
Thickness	7. The minimum thickness for all flat markers including footstones is 10 cm (4 inches).

J) Rules for Monument Dealers, Contractors and Workers

- | | |
|-----------------------|--|
| Procedure | 1. No monument or marker will be delivered to the cemetery without the proper documents. See Sections G – 2 & 5 for description of documents. |
| Notice | 2. Monument dealers must state on each order the date they wish foundations ready and must give at least fifteen working days notice before the work is required. |
| No Delivery | 3. No monument or marker may be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection. |
| Removal | 4. No monument or marker may be removed without written permission from the Manager. |
| Worker's Compensation | 5. All companies who do work in the Hamilton Municipal Cemeteries, shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance. |
| Heavy Materials | 6. Contractors, masons and stone-cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury. |
| Variance | 7. There shall not be a variance of more than 1.27cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered. |
| Behaviour | 8. The demeanour and behaviour of all workers employed by others in the cemetery, shall be subject to the control of the Manager. |
| Cessation of Work | 9. Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service. |
| Working Hours | 10. All work must be done during regular cemetery hours, unless by special permission of the Manager. |
| Saturday Work | 11. No work shall be commenced on Saturday that cannot be finished, including the litter and debris removed, by the hour of noon of that day. |
| Heavy Loads | 12. Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition. |
| Heavy Trucks | 13. Heavy hauling trucks or commercial vehicles are not permitted within the cemetery grounds unless they have a cemetery business purpose. |
| Driving & Parking | 14. No monument dealer shall park or drive on the grass unless otherwise directed to do so by the Manager or their Designate |
| Closure | 15. The Cemetery Manager shall have the right to close a pathway or road at any time. |
| Clean-Up | 16. All implements and materials used in the performance of any work shall be placed where the Manager may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Manager may order. Otherwise the obstructions will be removed, and the expense charged to the monument dealer. |

- Marker Setting 17. If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Manager as all work must be supervised by an employee of the Cemetery. The Monument dealer shall pay to the Cemetery the prescribed fee plus necessary taxes for supervising the monument company's people.
- Canvassing 18. Canvassing for orders or distributing business cards in any of the Cemeteries is forbidden.

K) Columbarium Regulations

- | | |
|----------------|--|
| Rules | 1. All the general rules and regulations of the Hamilton Municipal Cemeteries shall apply to the columbarium as far as the nature of the case permits. |
| Certificate | 2. A proper Certificate of Cremation must accompany all cremains before inurnment can take place. |
| Authorization | 3. No inurnment shall be made without the permission from the burial Rights Holder or a proper representative of the estate if the burial Rights Holder is deceased. |
| Work Done | 4. Compartments will be opened only by employees of the Hamilton Municipal Cemeteries and sealed by them after an inurnment is made. |
| Two Max. | 5. Each compartment is intended for two urns. An Interment Rights Holder should check internal dimensions before purchasing urns. |
| Registering | 6. It is advisable that, the name of the person for whom inurnment is intended, be registered on the books of the Cemetery, so that no complications may arise when request for inurnment is made. |
| Payment | 7. No inurnment shall be permitted until all payments due to the Cemetery have been made and a contract been signed. |
| Articles left | 8. Flowers, wreaths and designs placed against or near any part of the Columbarium that are liable to stain or deface the structure, will be removed. |
| Glass | 9. No glass vases or other breakable item should be placed around the columbarium. |
| Floral Designs | 10. Flower designs made on wire frames shall have the wire covered to prevent staining or marking the granite. |
| Transfer | 11. No transfer of burial rights to a columbarium shall be valid until approved by and recorded in the books of the Cemetery. A transfer fee will be charged according to the fees set out in the Tariff of Charges and according to the Cemeteries Act. |
| Urn Size | 12. The number of cremated remains to be placed in each niche is determined by the urn size and niche dimensions and in accordance with the designated policy for each columbarium. |

L) Mausoleum Regulations

- | | |
|--------------|--|
| Construction | 1. No vault or mausoleum will be constructed unless a complete working plan with specifications is first submitted to the Cemetery Manager, and the costs recovered from the Interment Rights Holder. |
| Removal | 2. Should the maintenance fund for a Private Vault become exhausted and further repairs become necessary, the Corporation may make application to the Minister of Health and to the Registrar to have the bodies removed from the vault and to reinter the same elsewhere in the cemetery and to take down and remove the structure. All claim to or in the land and vault by the former owners or owner, shall cease and be at an end upon such approval given. |
| One Casket | 3. No more than one casket shall be placed in a crypt except in a crypt designated for more than one. |
| Extra Urn | 4. The Cremated Remains of not more than one person can be placed in a crypt in addition to the casket, only under special circumstances and by permission of the Cemetery Manager. |

M) Rules for Visitors

- | | |
|-----------------------|---|
| Cemetery Hours | 1. Visitors are always welcome at the cemetery during the open hours, from 8:00 a.m. until sundown. They are asked to remember the respect due to the sacred grounds. |
| Office Hours | 2. The Cemetery Office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. unless a recognized Holiday falls within these times. The Cemetery Office is open during Saturdays of posted long weekends from 8:30 a.m. to 12:00 p.m. |
| Authorization | 3. Employees of the Police Department and Hamilton Municipal Cemeteries, while on recognized duty, are allowed in the cemeteries, after the prescribed times. |
| Police Power | 4. Hamilton Wentworth Police have the authority to remove anyone from the Cemetery whose presence is believed, by them or the Manager, not to be in the best interest of the Cemetery. |
| Preserve Order | 5. The Manager and designated assistants are empowered and are required to preserve order and decorum in the cemetery. |
| Parades | 6. No parades other than funeral processions shall be admitted to or be organized within the cemetery without permission of the Manager. |
| Children | 7. Children under the age of twelve years are welcome in the Cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and shall see that they do not run over the lots or climb upon the monuments. |
| Speed Limits | 8. Vehicles within the cemetery shall be driven at a rate of speed no greater than 25 km/h (15 mph) and shall not leave the avenues or park on the grass unless directed to do so by the Manager. |
| Entry | 9. No person shall enter the cemeteries except through established gates or roadways. |
| Recreational Vehicles | 10. No pleasure ATVs. (all terrain vehicles) or snowmobiles are allowed in the cemetery. |
| Bicycles | 11. Bicycles shall be permitted on cemetery roadways, but shall not be ridden on grassed or planted areas. |
| Damages | 12. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them. They will be held liable to repair or replace the damaged property to its former state. |
| Firearms | 13. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery. |
| Dogs | 14. Dogs or other pets shall be allowed in the cemetery only if restrained by an appropriate leash and accompanied by their owner. Said owner is responsible to clean up any animal residue. |
| Consumption of Food | 15. No persons shall consume food or refreshments on Interments Rights Holder's property, but may in open areas as long as no littering or damage occur. |

- | | |
|-----------------------|---|
| Alcohol | 16. No person shall bring or consume any alcoholic beverages on cemetery property. |
| Damage | 17. Any person who, in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a cemetery is liable to the Corporation and any Interment Rights Holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable. |
| Flowers | 18. No person shall pick or destroy flowers (wild or cultivated) growing in the Cemetery. |
| Complaints | 19. Any complaints or requests by Interment Rights Holders or visitors should be made at the Cemetery Office in person or by telephone, and not to workers on the grounds. The Cemetery office is located at 777 York Boulevard. Telephone calls will be accepted during normal business hours at 546-4704. |
| Controversies | 20. Controversies with workers or others on the grounds are to be avoided. Please bring concerns to the Cemetery Office. |
| Rubbish | 21. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc. |
| Disturbing Peace | 22. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these by-laws, may be expelled from the grounds. |
| Articles Left | 23. Any article which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design of the cemetery, may be removed by the cemetery. An article removed will be held at the cemetery for collection. If not collected, it will be disposed of after 60 days. |
| Gratuities | 24. No tips or gratuities are to be given to cemetery workers by visitors or Rights Holders, nor shall any be accepted by any cemetery worker. |
| Damage Beyond Control | 25. The Cemetery shall take reasonable precautions to protect the Interment Rights Holder from loss or damage. The Cemetery shall have the right to hire security guards, but is under no legal obligation to do so. |
| Filming | 26. No filming is allowed on the Cemetery grounds without permission of the Manager of Cemeteries. Commercial filming must be authorized by the procedure set by Parks & Recreation Committee. |

1994 December 13

Appendix "C" as referred to in
Section 4 of the FIRST Report
of the Parks and Recreation
Committee

*HAMILTON MUNICIPAL
CEMETERIES*

BUSINESS PLAN

TABLE OF CONTENTS

<i>Business Plan Summary</i>		
	<i>Gladstone Philosophy</i>	<i>Page 1</i>
	<i>Mission Statement</i>	<i>Page 1</i>
1.	<i>Overview</i>	<i>Page 2</i>
	a) <i>Customer</i>	<i>Page 2</i>
	b) <i>Services</i>	<i>Page 2</i>
	c) <i>Goals and Objectives</i>	<i>Page 3</i>
	d) <i>Future Trends</i>	<i>Page 3</i>
2.	<i>Marketing Plan</i>	<i>Page 4</i>
	a) <i>Payment Plan System</i>	<i>Page 4</i>
	b) <i>Informational Brochure</i>	<i>Page 4</i>
	c) <i>Advertising</i>	<i>Page 4</i>
	d) <i>Increasing Revenue Options</i>	<i>Page 4</i>
3.	<i>Operation Changes</i>	<i>Page 5</i>
	a) <i>Computerization of Records</i>	<i>Page 5</i>
	b) <i>Addition of Office Staff</i>	<i>Page 5</i>
	c) <i>Replacement of Superintendent</i>	<i>Page 5</i>
	d) <i>Decrease in Classifications</i>	<i>Page 6</i>
	e) <i>Rewrite of Cemetery By-laws</i>	<i>Page 6</i>
	f) <i>Development of Seasonal Staff</i>	<i>Page 6</i>
	g) <i>Building of Crematorium</i>	<i>Page 6</i>
	h) <i>Conclusion</i>	<i>Page 7</i>

*Hamilton Municipal Cemeteries Business Plan
Page 1*

Gladstone: Prime Minister of Great Britain

"Show me the manner in which any community cares for its dead and I will measure with mathematical exactness the tender sympathy of its people, their respect for the laws of the community and their loyalty to high ideals."

Mission Statement

Hamilton Municipal Cemeteries being the largest known municipal cemetery organization in Canada will strive to provide this community with a high quality of essential cemetery services and as a consequence of providing this level of service, will continue to be a leader in the municipal cemetery industry.

Hamilton Municipal Cemeteries Business Plan
Page 2

Hamilton Municipal Cemeteries is a division of the Public Works Department.

1. Overview

Hamilton Municipal Cemeteries has 15 cemeteries within the city limits that vary in size from a 1/2 acre to 140 acres. The Cemeteries conduct between 1200 and 1300 burials a year which is approximately 6 burials per day and maintain close to 700 acres of grounds. Hamilton Municipal Cemeteries are also governed by 2 sets of legislation; the Provincial "Cemetery Act" and the City of Hamilton By-laws.

a) Hamilton Municipal Cemeteries' Customers

Hamilton Municipal Cemeteries service all ethnics and religions. There are some ethnic and religious cemeteries in the Hamilton area but we have and will continue to service those who chose our services. Besides the citizens of the City, the Cemetery Division works closely with local and area funeral homes, crematoriums, lawn equipment companies, lawn care service companies, cemetery supply companies, florist industry, monument builders, memorials societies, Veteran's associations, as well as other cemeteries.

b) Hamilton Municipal Cemeteries Services

- 1. Complete line of grave and lot sales both at need and preneed.*
- 2. Complete line of burial services both at need and preneed.*
- 3. Two types of cremation entombment.*
- 4. Foundation and marker setting services.*
- 5. Memorial plaques, benches and tree planting.*
- 6. Flower planting services.*
- 7. Complete care and maintenance of grounds.*
- 8. Beautification of cemetery flower gardens.*
- 9. Care and maintenance of buildings.*
- 10. Care and maintenance of memorials in regards to satisfy.*

c) *Goals and Objectives*

Objective

To provide the required essential cemetery services and products that are competitive yet very customer-service oriented.

Goals

1. *To gradually reduce the subsidy to the Cemetery Division by*
 - i) *increasing revenues.*
 - ii) *reducing expenditures.*
2. *To offer similar or more alternatives than commercial cemeteries.*
3. *To have staff dedicated to customer service.*

d) *Future Trends*

1. *Why one cemetery is picked over the other.*
 - a) *Family already buried there.*
 - b) *Location of cemetery and its features.*
 - c) *Something has sparked the need.*
 - i) *Death of friend or relative.*
 - ii) *Media advertising.*
 - iii) *Direct contact or direct mail by company.*
2. *The market trend is shifting to cremation because of mass advertising. It is billed as an economical viable alternative, but if not carefully handled, it may not be. The public does not understand cremation, cremated remains or its disposition.*
3. *A majority of funeral homes in the City of Hamilton are owned by the profit cemeteries through a numbered company. These funeral homes carry brochures and video tapes of the profit cemeteries but no information regarding the municipal cemeteries. This gives the profit cemeteries an advantage to new sales. The funeral homes must also carry our brochures if they are provided with them.*

Hamilton Municipal Cemeteries Business Plan
Page 4

2. Marketing Plan

a) Payment Plan System

At present all charges for cemetery sales and service must be paid in full. We have a preneed system in place for burial charges only. These must be paid at 100% cost of the land. Services are rising and becoming a substantial one-time cost factor. For example, a two-grave lot for \$1,867.15, the opening and closing of the grave for two people for \$494.34 each total a one time cost of \$2,855.83. Under the present system, we have to receive a cheque for the total mount. A payment plan system would allow a committed revenue to be paid monthly over a limited period of time (3-5 year maximum). Arrangements have been made with Terry Daw, Manager of Revenues to formalize a plan best suited to the Treasury Department's requirements. This type of revenue, if properly advertised, may bring an additional \$10,000 of revenue a year.

b) Informational Brochure

The Cemetery Division should print an informational brochure to highlight:

- 1. All cemeteries that it maintains.*
- 2. All cemetery services.*
- 3. Plus all options and goods that the division provides with an insert on the prices.*
- 4. These brochures would be available at funeral homes, city hall, cemeteries and literature to mail out upon request.*

The estimated cost of developing and printing this brochure is \$10,000.

c) Advertising

- 1. To compliment the brochure, ads should be placed in various public places and publications with a notation that printed literature is available upon request for your personal reading.*

d) Increasing Revenue Options

New trends or products for sale can easily be inserted in the brochure as they become available. Examples would be wreath sales, single grave monuments and ultimately maybe a crematorium.

3. Operational Changes

a) Computerization of Records

At present, the Cemeteries have contracted a consultant to provide an RFP and a needs study. The results from the consultant confirm the need of computerization, marketing and payment plan system. The needs study also calls for a maintenance management system to compliment the computerization of the records. The study shows that there will be a net benefit of 2 million dollars over 5 years while the cost to implement including conversion would total 370 thousand dollars.

b) Additional Office Staff

The new Cemetery Act has added the responsibility of contractual signage to all financial transactions. This obligation has added 4 hours of administrative work a day. At present many administrative duties are not being performed until summer student help is hired. It is recommended the office be staffed with another staff member. The duties will be realigned in the following manner:

<i>Administrative Coordinator</i>	<i>-</i>	<i>All financial reporting and administrative duties to the Manager.</i>
<i>Cemetery Support Clerk I</i>	<i>-</i>	<i>All contractual signage and administrative duties, MSA payments.</i>
<i>Cemetery Support Clerk II</i>	<i>-</i>	<i>Administrative duties, reception and computer data inputting.</i>

The funding for the new position will come from the early retirement of a cemetery labourer. The qualified person from the deployment pool be found and placed in this position.

c) Elimination of the Superintendent

On December 31, 1994, the present Cemetery Superintendent will retire. This position will be eliminated with the distribution of work spread to the Manager, Administrative Co-ordinator and four foremen. The elimination of this position will result in a net budget reduction of \$65,000 for 1995.

Hamilton Municipal Cemeteries Business Plan
Page 6

d) Decrease in Classifications

The recent job evaluation has left the division fractionalized to promote a more business and practical environment, there should be no more than two levels being lead hand and operator levels. This would resolve the union complications caused by the creation of these multi levels can create a more versatile working force.

e) Rewriting of Cemetery Bylaws

The Cemetery has had a Rules and Regulations booklet and a set of By-laws both of which are out of date. The Cemetery Act calls for one approved set of by-laws that the consumer must adhere to. The final draft which the Ministry of Consumer and Commercial Affairs, Cemetery Regulations, has approved is attached. This must be passed by the Parks and Recreation Committee.

f) Development of Seasonal Staff

The private sector has extreme cost advantage over the city cemeteries because they;

- a) Do not have all the unionized levels of staffing.*
- b) Do not have to keep staff when its not necessary.*
- c) Use lower pay of labourers when they are needed. These lower pay labourers are students, manpower or their own seasonal staff who find alternate employment in the non-peak periods, for example, winter months.*

More effort has to be made to reduce the full-time compliment and supplement with lower cost employment on a seasonal and at need basis.

g) Building of Crematorium

Cremation has been rising steadily since its introduction to Canada in 1901. The cemetery industry has seen it grow from to the point where it affects 30 percent of the deaths in Ontario to a high of 65 percent in British Columbia. If the cremation rate increases due to rising costs of traditional funeral and cemetery cost the Cemetery Division will see large losses in revenues in the coming years. The purchase of a crematorium or the building of a new one will result in securing the market share of this increasing trend in the death care industry.

h) Conclusion

The population statistics show a large increase in aged population coming to the 60 - 70 years of age bracket (baby boomers). With the death rate approximately 1 percent of the population, there will be a substantial increase in business in the next 20 years before we see a decline. The Cemetery Division should be ready for all aspects.

Appendix "D" as referred to in
Section 4 of the FIRST Report
of the Parks and Recreation
Committee

SCHEDULE D

SCHEDULE OF USER FEES AND OTHER REVENUES
PUBLIC WORKS - CEMETERIES DIVISION

	1994				1995				% Increase Over 1994
	Resident & Realty Taxpayers		Non-Residents		Resident & Realty Taxpayers		Non-Residents		
	Cost	G.S.I.	Cost	Total	Cost	G.S.I.	Cost	Total	
BURIALS AND REMOVALS									
Opening and Closing									
- 6 ft Adult	462 00	32 34	494 34	562 00	39 34	601 34	471 00	503 97	2%
- 8 ft Adult	622 00	43 54	665 54	720 00	50 40	770 40	634 00	678 36	2%
- 6 ft Child	75 00	5 25	80 25	90 00	6 30	96 30	76 00	81 32	2%
- case up to 24"	150 00	10 50	160 50	180 00	12 60	192 60	153 00	163 71	1%
- case 25" to 42"	220 00	15 40	235 40	264 00	18 48	282 48	224 00	239 68	2%
- case 43" to 60"	265 00	19 95	304 95	342 00	23 94	365 94	291 00	311 37	2%
- case 61" to 72"	255 00	17 85	272 85	306 00	21 42	327 42	260 00	278 20	2%
- case up to 60"	305 00	21 35	326 35	366 00	25 62	391 62	311 00	332 77	2%
- case 61" to 72"	150 00	10 50	160 50	180 00	12 60	192 60	153 00	163 71	2%
- Cremation	55 00	3 85	58 85	66 00	4 62	70 62	56 00	59 92	2%
- Columbarium	96 00	6 86	104 86	118 00	8 26	126 26	100 00	107 00	2%
- Mausoleum of Memories (Stoney Creek)	380 00	26 60	406 60	456 00	31 92	487 92	388 00	415 16	2%
Lowering (includes Opening, Removal, Lowering, Closing)									
- Adult - 6 ft. to 8 ft. - shell	1,784 00	124 88	1,908 88				1,820 00	1,947 40	2%
- Adult - 6 ft. to 8 ft. - concrete vault/crypt	1,485 00	103 95	1,588 95				1,515 00	1,621 05	2%
- Child - 6 ft. to 8 ft. - 5 to 10 years	633 00	44 31	677 31				646 00	691 22	2%
- Child - 6 ft. to 8 ft. - under 5 years	531 00	37 17	568 17				542 00	579 94	2%
Removals									
- Adult - Shell	1,624 00	113 68	1,737 68				1,656 00	1,771 92	2%
- Adult - Concrete vault or crypt	1,325 00	92 75	1,417 75				1,352 00	1,446 64	2%
- Child - Shell	561 00	39 27	600 27				572 00	612 04	2%
- Child - Concrete vault or crypt	459 00	32 13	491 13				468 00	500 76	2%
- Cremation	150 00	10 50	160 50				153 00	163 71	2%
FOUNDATIONS AND MARKERS									
- Foundation - pouring per square arch of surface area (6 feet deep)	0 94	0 07	1 01	1 15	0 08	1 23	0 96	1 03	2%
								0 08	
								1 26	

Page 1

Page 1

SCHEDULE OF USER FEES AND OTHER REVENUES
PUBLIC WORKS - CEMETERIES DIVISION

SCHEDULE D

	1994				1995				% Increase Over 1994			
	Resident & Realty Taxpayers		Non-Residents		Resident & Realty Taxpayers		Non-Residents		Resident & Realty Taxpayers		Non-Residents	
	Cost	G.S.T.	Cost	Total	Cost	G.S.T.	Cost	Total	Cost	G.S.T.	Cost	Total
FOUNDATIONS AND MARKERS												
- 12" X 10" & Child's 18" X 14"	75.00	5.25	80.25	80.25	90.00	6.30	96.30	96.30	75.00	5.25	80.25	80.25
- all other Flat Markers	114.00	7.98	121.98	121.98	177.00	12.39	189.39	189.39	114.00	7.98	121.98	121.98
- Bronze Vase	114.00	7.98	121.98	121.98	177.00	12.39	189.39	189.39	114.00	7.98	121.98	121.98
- D.V.A. Upright	96.00	6.72	102.72	102.72	96.00	6.72	102.72	102.72	96.00	6.72	102.72	102.72
- D.V.A. Flat	96.00	6.72	102.72	102.72	96.00	6.72	102.72	102.72	96.00	6.72	102.72	102.72
SALE OF LOTS AND GRAVES INCLUDING PERPETUAL CARE												
- Adult Single Grave	455.00	31.85	486.85	486.85	562.00	39.34	601.34	601.34	464.00	32.48	496.48	496.48
- Preferred Single Grave	761.00	53.27	814.27	814.27	940.00	65.80	1,005.80	1,005.80	776.00	54.32	830.32	830.32
- Child - single in a row	50.00	3.50	53.50	53.50	60.00	4.20	64.20	64.20	51.00	3.57	54.57	54.57
- Child Single Grave	109.00	7.63	116.63	116.63	142.00	9.94	151.94	151.94	111.00	7.77	118.77	118.77
- case 24" to 60"	161.00	11.27	172.27	172.27	193.00	13.51	206.51	206.51	164.00	11.48	175.48	175.48
- case 61" to 72"	253.00	17.71	270.71	270.71	308.00	21.56	329.56	329.56	258.00	18.06	276.06	276.06
- Urn Garden	432.00	30.24	462.24	462.24	562.00	39.34	601.34	601.34	441.00	30.87	471.87	471.87
- Veteran's Grave	1,745.00	122.15	1,867.15	1,867.15	2,176.00	152.32	2,328.32	2,328.32	1,780.00	124.60	1,904.60	1,904.60
- Two - Grave Lot	1,424.00	99.68	1,523.68	1,523.68	1,779.00	124.53	1,903.53	1,903.53	1,452.00	101.64	1,553.64	1,553.64
- Three - Grave Lot - Eastlawn	2,606.00	182.42	2,788.42	2,788.42	3,260.00	228.20	3,488.20	3,488.20	2,658.00	186.06	2,844.06	2,844.06
- Four - Grave Lot	6,311.00	441.77	6,752.77	6,752.77	7,884.00	551.88	8,435.88	8,435.88	6,437.00	450.59	6,887.59	6,887.59
- Woodland Section 15	3,416.00	239.12	3,655.12	3,655.12	4,344.00	304.08	4,648.08	4,648.08	3,484.00	243.88	3,727.88	3,727.88
- Eastlawn / Woodland	3,210.00	224.70	3,434.70	3,434.70	4,074.00	285.18	4,359.18	4,359.18	3,274.00	229.18	3,503.18	3,503.18
- Four - Grave Lot - Trinity	1,216.00	85.12	1,301.12	1,301.12	1,336.00	93.52	1,429.52	1,429.52	1,240.00	86.80	1,326.80	1,326.80
- Mausoleum crypt	600.00	56.00	656.00	656.00	940.00	67.20	1,007.20	1,007.20	816.00	57.12	873.12	873.12
- Cremorial	950.00	66.50	1,016.50	1,016.50	1,140.00	79.80	1,219.80	1,219.80	949.00	67.83	1,016.83	1,016.83
- Columbarium												
- 40% of Grave and Lot sales goes into Care & Maintenance												
- 20% of Mausoleum Crypt sales goes into Care & Maintenance												
- 15% of Columbarium and Cremorial sales goes into Care & Maintenance												

Page 2

SCHEDULE OF USER FEES AND OTHER REVENUES
PUBLIC WORKS - CEMETERIES DIVISION

SCHEDULE D

	1994				1995				% Increase Over 1994
	Resident & Realty Taxpayers		Non-Residents		Resident & Realty Taxpayers		Non-Residents		
	Cost	G.S.T.	Cost	G.S.T.	Cost	G.S.T.	Cost	G.S.T.	
ADDITIONAL SERVICES									
- Crypts									
- Child	272.00	19.04			not available				
- Youth	285.00	19.95			308.00	21.56			
- Standard	297.00	20.79			not available				
- Intermediate	305.00	21.35			330.00	23.10			
- Oversize	324.00	22.68			350.00	24.50			
- Miscellaneous									
- Tent in Cemetery	138.00	9.66			141.00	9.87			
- Rental of tent outside cemetery	188.00	13.16			192.00	13.44			
- Transfer fee \$40 + G.S.T.	40.00	2.80			41.00	2.87			
- Bronze Memorial Plaque for Columbarium Niche	281.00	19.67			287.00	20.09			
- Companion Vase on Columbarium Niche	55.00	3.85			56.00	3.92			
- Bronze Memorial Plaque for Cremorial	125.00	8.75			128.00	8.96			
- Supply, install and maintain flower bed to maximum three graves - per grave	100.00	7.00			102.00	7.14			
- Memorial Tree Planting 12X10 stone 6X8 Bronze Plaque 3 Lines	350.00	24.50			357.00	24.99			
- Memorial Bench - 8X15 Bronze plaque - 3 lines	500.00	35.00			510.00	35.70			
- Flower Pot Hanger	15.00	1.05			15.00	1.05			
- Family Tree Research - \$2.00 per name									
Note: Special Lettering which carries an extra charge will be added to plaque charge									
Note: 40 % of all lot and grave sales goes into Care & Maintenance Fund									
CARE AND MAINTENANCE FUND									
- markers and upright monuments	N/C				N/C				
- any flat marker under 173 sq. in.	50.00	3.50			50.00	3.50			
- any flat marker over 173 sq. in.	100.00	7.00			100.00	7.00			
- any upright monument <= 4 ft. in length/height	200.00	14.00			200.00	14.00			
- any upright monument over > 4 ft. in length/height									
Financial Regulation - these funds are set and trusted									

Page 3

Page 3

Appendix "E" as referred to in
Section 8 of the FIRST Report
of the Parks and Recreation
Committee

Red Hill Creek Valley Remediation Project
City of Hamilton Joint Management Position

The remediation proposal advanced to the City of Hamilton from the Honourable David Crombie and the Hamilton Region Conservation Authority offers promising opportunities for a partnership arrangement between agencies to advance environmental remediation works within the Red Hill Valley.

The proposal deals with initial Valley clean-up, initial trail and bridge access developments, biological and archaeological inventories, engineering design and pilot projects, public input forums and preliminary ground work establishing the feasibility of a World Biosphere Interpretive Centre.

The partnership agencies include the Waterfront Regeneration Trust, the Province of Ontario, the Hamilton Region Conservation Authority, the City of Hamilton and the public.

A joint management agreement between the City of Hamilton and the Hamilton Region Conservation Authority must be prepared to facilitate the partnership approach and permit work on City of Hamilton lands in the Red Hill Valley. The term of the agreement is two years.

The terms of the agreement will be advanced to the Parks and Recreation Committee and City Council and the Conservation Authority by 1995 January 31.

Recognizing the role of the City of Hamilton in the partnership approach to the remediation works and its vested interest as principle land owners in the Red Hill Valley, the following issues must be dealt with in the formulation of the joint management plan.

Joint Management Plan Issues

1) **Transportation**

The remediation works must in no way prejudice any alignment alternatives for the north/south portion of the Red Hill Creek Expressway. Impacts upon alignment alternatives could occur as a direct result of remediation work and expenditures within potential route alignments and from a public perspective that remediation works will preclude route alternatives.

Measures must be taken to clearly support that aspect of the proposal which indicates that the remediation work will not prejudice any potential road alignments.

2. Stakeholder Co-ordinating Committee

To give direction and to monitor project progress during the initial two-year period, it is suggested that a Stakeholders Committee be established comprising the key project partners i.e. the City of Hamilton, the Waterfront Regeneration Trust, the Province, the Hamilton Region Conservation Authority, the Regional Municipality of Hamilton-Wentworth, and one or more stakeholders representing the community at large. The stakeholder group would report directly to the full Authority Membership.

From the City's perspective it is essential that the Stakeholder Committee report through the Parks and Recreation Committee to City Council, in addition to the Conservation Authority. In this fashion, recommendations impacting upon the Red Hill Valley can be duly considered by Council.

3. Co-ordinating Agency Role

The Remediation proposal calls for the Conservation Authority to undertake the co-ordinating agency role for the remediation project. Recognizing that the project approach is one based upon partnerships, it is essential that one agency have a co-ordinating role. The Hamilton Region Conservation Authority can be seen as the logical agency for this role based upon their existing relationship in bridging Provincial and Municipal government levels.

4. Project Management

The proposed remediation works can be readily divided into categories which are best suited, based upon the abilities of both the Hamilton Region Conservation Authority and the City, to be undertaken by either agency.

Based upon the strengths of the City of Hamilton including capital equipment, staff, land ownership and proximity of works yards, the City's "hands on" category would include project areas that deal with the land base development and ongoing management. Specifically, trail development and maintenance, clean-up works, plantings, bio-engineering work and strong participation in the public input process are well suited to be undertaken by the City.

Development and management of the interpretive aspects of the project such as the biological and archaeological survey, interpretive world biosphere development and strong participation in the public input process are well suited to be undertaken by the Hamilton Region Conservation Authority.

The terms of the joint management agreement must clearly delineate the roles of both the City and the Hamilton Region Conservation Authority in order to successfully implement this two year project and to establish guidelines for the long-term.

5. World Biosphere Interpretive Centre

The proposal calls for the planning and conceptual development of a World Biosphere Centre to be located in the vicinity of the Red Hill Valley. The Scope of work involves site selection, market testing, business plan development, building design and tender call.

Considering the role that such a facility would play within this community, it is imperative that the City participate in the feasibility studies, site selection, facility role and management planning. The business plan development for this proposal will address the economic development/spin off and will also address any potential change in land ownership.

6. Capital Funding Implications

It is proposed that the capital funding for the remediation project would be advanced by the Province, possibly through the Waterfront Trust.

Mechanisms must be established which will facilitate capital funding flow through the co-ordinating agency to partnership members performing project tasks.

7. Current Budget Implications

The development of the remediation works proposed will have current budget impacts commencing with the completion of individual project components. Pedestrian bridge maintenance, trail maintenance and interpretive programming and biosphere centre operations will have significant current budget impacts.

Prior to the initiation of remediation works and hence commitments to maintenance costs, maintenance budget forecasts and funding mechanisms must be clearly understood at the Provincial, Municipal, and Regional levels. Staffing implications should be included in this component of the management agreement.

8. Access Agreements

Access agreements will be required to permit partnership agencies such as the Conservation Authority or others having component project stewardship, access to undertake work on City of Hamilton lands. Issues such as liability and insurance must be addressed.

9. Land Ownership

During previous discussions, there was some indication that remediation of the valley might require the land owned by the City of Hamilton to be deeded to the Province of Ontario for \$1. This is no longer being considered. This proposal does not require the transfer of any lands out of the City of Hamilton's ownership.

1994 December 13

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SECOND** Report and respectfully recommends:

1. (a) That approval be given to Application CD-94-001, Rental Housing Protection Act, Scott Cooper, owner, for conversion of 12 rental apartment units to condominium units for property located at 22-24-26 John Street North, subject to the following conditions:
 - (i) that this Rental Housing Protection Act approval shall cease and be at an end:
 - (1) if the Owner has sold the land without entering and registering the Rental Housing Protection Act Approval Agreement with the City; and,
 - (2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,
 - (ii) that the Owner shall enter into a Rental Housing Protection Act Approval Agreement with the City in a form satisfactory to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property prior to the issuance of the Rental Housing Protection Act Certificate of Approval; and,
 - (iii) in the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property enters into an assumption agreement to assume the obligations of the Owner herein.
- (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. A. (a) That approval be given to amended Zoning Application ZAC-93-26, 822827 Ontario Inc. (A. DiSilvestro), owner, requesting changes in zoning from "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District (Blocks "1" and "4"); "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District (Blocks "2" and "3"); and, "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District (Block "5"), to permit the development of Blocks "1", "2", "3" and "4" for small lot single-family detached dwellings and Block "5" for single-family detached dwellings, for lands located north of Limeridge Road East and west of Upper Kenilworth Avenue (proposed extension of Locheed Drive), as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That Blocks "1" and "4" be rezoned from "DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District; and,
 - (ii) That Blocks "2" and "3" be rezoned from "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District; and,
 - (iii) That Block "5" be rezoned from "DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,
 - (v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (vi) That the Lisgar Neighbourhood Plan be amended as follows: redesignate Blocks "1", "4" and "5" from "Low Density Apartments" to "Single & Double Residential"; and, redesignate Blocks "2" and "3" from "Medium Density Apartments" to "Single & Double Residential".
- (b) That By-law No. 74-187 be amended to delete Clause 1 of Section 2, and the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-346a, and that the subject lands on Zoning

1994 December 13

District Map E-59A be notated S-346a and that the City Solicitor be directed to incorporate this change into the by-law prepared for recommendation A above; and,

- (c) That Clause (c) of Section 2 of By-law No. 70-255 be amended to delete "403 dwelling units" and replace it with "326 dwelling units", and the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-166a, and that the subject lands on Zoning District Map E-59A be notated S-166a and that the City Solicitor be directed to incorporate this change into the by-law prepared for recommendation A above.
- B. (a) That approval be given to the request by Mr. A. Cameracci of Urbex Engineering Limited on behalf of 822827 Ontario Inc. (A. Di Silvestro) owner, to further revise a part of the original draft plan approval for "Wisemount Estates" subdivision (formerly "Wisemount Forest Survey - Phase 3"), subject to the following additional conditions:
- (i) That this approval apply to the plan, prepared by S.J. Balaban, O.L.S., dated 1994 July 22 showing forty-three (43) lots for single family detached dwellings, a block for low and medium density apartments and two blocks for road widening purposes; and,
 - (ii) That the owner satisfy all engineering and financial requirements of the City of Hamilton; and,
 - (iii) That the owner dedicate sufficient lands to the City of Hamilton for road widenings along Upper Kenilworth Avenue and Limeridge Road East; and,
 - (iv) That all roads be established to their ultimate widths of a minimum of 20.0 metres in width with the exception that Knight's Court may be 18.0 metres provided that detailed design accommodates all services and utilities to the satisfaction of the Commissioner of Transportation/Environmental Services; and,
 - (v) That the proposed roadway layout conform to the current roadway design requirements for the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

1994 December 13

- (vi) That all vehicular access to Block 44 be restricted to Limeridge Road East and/or Upper Kenilworth Avenue.
 - (b) That the Regional Commissioner of Planning and Development be advised of Council's decision.
- 3. (a) That approval be given to the request by Mr. Terry Stortz, of May, Pirie, Dakin Associates Limited on behalf of Valery Construction Ltd., owner, to give draft plan approval for the revised "Redhill Vista" subdivision to create within the City of Hamilton, 21 lots for single family homes fronting on Mud Street and Upper Mount Albion Road, and a Block for approximately 36 townhouse units, subject to the following conditions:
 - (i) That this approval apply to that portion located in the City of Hamilton of the draft plan signed by John P. Nouwens, O.L.S., dated 1993 December 14 showing 23 lots for single detached residential purposes, and one block for townhouse development, and further red-line revised to include an additional parcel of land in the south-east; and,
 - (ii) That the final plan conform with the zoning by-law approved under The Planning Act; and,
 - (iii) That the surveyor provide the City of Hamilton and Region with a certified list showing the lot frontage, lot areas and total area in both metric and imperial measure; and,
 - (iv) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by the Council of the City of Hamilton on 1973 October 9, and subsequent amendments; and,
 - (v) That the owner dedicate to the Region/City of Hamilton, sufficient lands for road widening purposes in order to establish a cul-de-sac at the westerly limit of the subdivision with a 15 metre radius. The cul-de-sac is required to be offset to the south side of Mud Street; and,
 - (vi) That the owner submit a site grading plan to the Region for the complete subdivision for review and approval; and,
 - (vii) That Lots 1 to 19 (inclusive) not be registered until the watermain has been approved by the Region from Upper Mount Albion Road to

1994 December 13

Paramount Drive and that the associated costs be derived from the development charges; and,

- (viii) That Lots 1 to 20 (inclusive) not be issued access permits or building permits until such time as Mud Street is realigned to the south and this section of Mud Street reverts to a local cul-de-sac under jurisdiction of the area municipality; and,
 - (ix) That the owner enter into an access agreement with the Regional Municipality of Hamilton-Wentworth for any roadway improvements required on Mud Street as a result of this development; and,
 - (x) That the owner grant easements to the Regional Municipality of Hamilton-Wentworth in order to provide outlets for storm and sanitary drainage purposes as required; and,
 - (xi) That the owner provide to the Region a detailed comprehensive storm water management report which will address the impacts of development of the subject lands on adjacent lands and the downstream watercourse. This report must be prepared by a Professional Engineer and other specialized experts as required, and will determine storm water management measures that are to be utilized in order to mitigate any negative impacts such as erosion, sedimentation, changes in run-off regime etc. required as a result of this subdivision development; and,
 - (xii) That the owner make a cash-in-lieu of parkland dedication payment to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,
 - (xiv) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Regional Commissioner of Planning and Development be advised of Council's decision.
4. (a) That the request of Mr. David A. Elliot, Solicitor for 800064 Ontario Inc. (A. DiSilvestro, President) owners, to establish maintenance easements by

1994 December 13

removing part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, 62M-760, be approved; and,

- (b) That a by-law to remove part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, be enacted by Council; and,
 - (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,
 - (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.
5. (a) That the City of Hamilton terminate the joint rehabilitation loan programme approved in 1986 with the Canadian Mental Health Association (C.M.H.A.). Funding for the programme was provided by the Ministry of Health to C.M.H.A., and was administered, at their request, by the Building Department; and,
- (b) That the remaining funds of approximately \$279,158. be returned to C.M.H.A. in order that they may implement a project with the Good Shepherd and further that on January 1, each year, the money collected on repayment be returned to C.M.H.A.
6. That By-Law No. 93-167 to authorize building permits and fees be amended by deleting Item 3 from Schedule "A" (Permit for re-shingling of roof for single family dwelling - \$75.).
7. (a) That City Council reaffirm its endorsement of the proposed legislation regarding The Ontario Heritage Act; and,
- (b) That a letter be sent to The Honourable Anne Swarbrick, Minister of Culture, Tourism and Recreation, urging the passing of this legislation, with copies being sent to the area M.P.P.'s.
8. (a) That approval be given to the "Intent to Designate" the CN Station at 360 James Street North (241 Stuart Street) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act,

1994 December 13

1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "B"; and,

- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
9. (a) That a Heritage Permit be approved for exterior and interior alterations to the former Bank of Montreal building at 52 James Street South, based on plans submitted to the Local Architectural Conservation Advisory Committee on 1994 December 5, to accommodate the Monopoli Restaurant and Nightclub; and,
- (b) That because of the proposed opening date of 1994 December 31, any further modifications to heritage features be subject to the approval of the Local Architectural Conservation Advisory Committee and/or the Research Subcommittee.
10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and sixty-one dollars (\$961.) be approved for Mary Facca, 27 Mill Street. The interest rate will be 8 per cent amortized over 5 years.
11. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-one dollars (\$1,391.) be approved for Benito and Clara Capitanio, 200 Lynbrook Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
12. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Sills and Victoria Thomas, 313 Cranbrook Drive. The interest rate will be 8 per cent amortized over 5 years.
13. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred dollars (\$1,400.) be approved for Gladys Wilkinson, 76 Robins Avenue. The interest rate will be 8 per cent amortized over 5 years.
14. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Ann Larocque, 304 Vansitmart Avenue, The interest rate will be 8 per cent amortized over 5 years.
15. (a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman and MacNab Terrace Limited for 124 MacNab Street South, in the amount of four

1994 December 13

removing part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, 62M-760, be approved; and,

- (b) That a by-law to remove part-lot control from Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, "Claudette Gardens, Phase 5" plan of subdivision, be enacted by Council; and,
 - (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,
 - (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.
5. (a) That the City of Hamilton terminate the joint rehabilitation loan programme approved in 1986 with the Canadian Mental Health Association (C.M.H.A.). Funding for the programme was provided by the Ministry of Health to C.M.H.A., and was administered, at their request, by the Building Department; and,
- (b) That the remaining funds of approximately \$279,158. be returned to C.M.H.A. in order that they may implement a project with the Good Shepherd and further that on January 1, each year, the money collected on repayment be returned to C.M.H.A.
6. That By-Law No. 93-167 to authorize building permits and fees be amended by deleting Item 3 from Schedule "A" (Permit for re-shingling of roof for single family dwelling - \$75.).
7. (a) That City Council reaffirm its endorsement of the proposed legislation regarding The Ontario Heritage Act; and,
- (b) That a letter be sent to The Honourable Anne Swarbrick, Minister of Culture, Tourism and Recreation, urging the passing of this legislation, with copies being sent to the area M.P.P.'s.
8. (a) That approval be given to the "Intent to Designate" the CN Station at 360 James Street North (241 Stuart Street) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act,

1994 December 13

1983, as outlined in the Reasons for Designation attached hereto and marked as Appendix "B"; and,

- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
9. (a) That a Heritage Permit be approved for exterior and interior alterations to the former Bank of Montreal building at 52 James Street South, based on plans submitted to the Local Architectural Conservation Advisory Committee on 1994 December 5, to accommodate the Monopoli Restaurant and Nightclub; and,
- (b) That because of the proposed opening date of 1994 December 31, any further modifications to heritage features be subject to the approval of the Local Architectural Conservation Advisory Committee and/or the Research Subcommittee.
10. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of nine hundred and sixty-one dollars (\$961.) be approved for Mary Facca, 27 Mill Street. The interest rate will be 8 per cent amortized over 5 years.
11. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and ninety-one dollars (\$1,391.) be approved for Benito and Clara Capitanio, 200 Lynbrook Drive, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
12. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Sills and Victoria Thomas, 313 Cranbrook Drive. The interest rate will be 8 per cent amortized over 5 years.
13. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, four hundred dollars (\$1,400.) be approved for Gladys Wilkinson, 76 Robins Avenue. The interest rate will be 8 per cent amortized over 5 years.
14. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000.) be approved for Ann Larocque, 304 Vansitmart Avenue, The interest rate will be 8 per cent amortized over 5 years.
15. (a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman and MacNab Terrace Limited for 124 MacNab Street South, in the amount of four

1994 December 13

thousand, two hundred and sixty-two dollars (\$4,262.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,

- (b) That the Building Department, Loans Division, be directed to process a Designated Property Grant to John Jeffrey Steadman and MacNab Terrace Limited, owner of 124 MacNab Street South, in the amount of four thousand and thirty-eight dollars (\$4,038.).
16. (a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to John Jeffrey Steadman for 126 MacNab Street South, in the amount of five thousand and eight-seven dollars (\$5,087.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,
- (b) That the Building Department, Loans Division, be directed to process a Designated Property Grant to John Jeffrey Steadman, owner of 126 MacNab Street South, in the amount of four thousand, eight hundred and thirty-seven dollars (\$4,837.).
17. (a) That the Building Department, Loans Division, be directed to process a loan from the Community Heritage Trust Fund to Keltie Lynn Law, in the amount of two thousand, seven hundred and eighty-nine dollars (\$2,789.) at 3 1/2 percent interest amortized over a ten year period with 5 year terms; and,
- (b) That the Building Department, Loans Division, be directed to process a Designated Property Grant to Keltie Lynn Law, owner of 112 Aberdeen Avenue, in the amount of two thousand, five hundred and ninety dollars (\$2,590.).
18. That the Building Commissioner be authorized to issue a demolition permit for 452 Burlington Street East in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
19. That the Building Commissioner be authorized to issue a demolition permit for 574 Burlington Street East in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
20. That the Building Commissioner be authorized to issue a demolition permit for 192 Gage Avenue South in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

1994 December 13

21. That the Building Commissioner be authorized to issue a demolition permit for 194 Gage Avenue South in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
22. That the Building Commissioner be authorized to issue a demolition permit for 196 Gage Avenue South in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
23. That the Building Commissioner be authorized to issue a demolition permit for 52 Holly Avenue in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
24. That the Building Commissioner be authorized to issue a demolition permit for 537 Wentworth Street North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
25. That the Building Commissioner be authorized to issue a demolition permit for 98 Ward Avenue.
26. That a letter be sent to the Niagara Escarpment Commission and the Minister of the Environment to express Council's concerns respecting the unfair treatment received as a result of the Niagara Escarpment Commission's decision respecting the removal of Development Control for those lands designated "Urban Areas" in the Niagara Escarpment Plan for the City of Hamilton.
27. That leave be granted to introduce the following Bills:
 - (a) Bill C-3 A By-law to adopt the International Village Community Improvement Plan
 - (b) Bill C-4 A By-law to adopt the Downtown Hamilton Community Improvement Plan
 - (c) Bill C-5 A By-law to Designate the land located at Municipal No. 130 (120) Bay Street South as a Property of Historical and Architectural Value and Interest
 - (d) Bill C-6 A By-law to Amend Zoning By-law No. 6593 respecting land located at Municipal No. 1367 Upper James Street

1994 December 13

- (e) Bill C-7 A By-law to remove land within the Claudette Gardens, Phase 5 Subdivision, Plan 62M-760 from Part Lot Control
- (f) Bill C-8 A By-law to Amend Zoning By-law No. 6593 as amended by By-laws No. 82-53 and 83-54 respecting lands located at 337 and 363 Stone Church Road East
- (g) Bill C-9 A By-law to Amend Zoning By-law No. 6593 respecting lands located south of Towercrest Drive between Upper Wellington Street and Colin Crescent

RESPECTFULLY SUBMITTED,




**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Charlene Touzel
Secretary**

1994 December 7

Appendix "A" as referred to
in Section 2 A. (a) of the
SECOND Report of the Planning
and Development Committee



BLOCKS 1 and 4		"DE-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District.
BLOCKS 2 and 3		"E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single-Family Detached) District.
BLOCK 5		"DE-2" (Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.



1994 December 13

Appendix "B" as referred to
in Section 8(a) of the SECOND
Report of the Planning and
Development Committee

REASONS FOR DESIGNATION

Canadian National Railway Station (CN) 360 James Street North (241 Stuart Street)

Context

Erected in 1929–31 along Hamilton's oldest rail corridor, the grand CN Station occupies a prominent site at the north–east corner of James and Murray. It effectively anchors the northern edge of the historic James North business district and provides convenient access to the North End residential neighbourhood and west harbourfront via the two contemporary road bridges flanking the station complex. One block to the west on Stuart Street overlooking the CN corridor and waterfront stands another city landmark: the 1850s stone Custom House.

The high visibility of the CN Station stems from the open space surrounding it on all four sides: notably, the original grass–covered plaza in front, which provides an unobstructed view of its impressive Beaux Arts facade. The monumental Doric portico boldly expresses the station's gateway function as a link between cities.

History

The predecessor of the CN Station, built in 1875 for the Great Western Railway and located west of Bay Street, was acquired by the Canadian National Railways in 1923. The construction of the James North station complex and five new bridges over the lowered tracks was initiated to replace the inadequate existing facilities and also to provide a more convenient terminal with improved traffic circulation and freight/ passenger services. Erected during a deep financial depression just as rail freight and passenger traffic was beginning a serious decline, Hamilton's long–awaited new facility rose as a symbol of CNR's early prosperity and optimism. The year of its completion, Canadian National's principal rival, the Toronto, Hamilton and Buffalo Railway, commenced construction of an equally impressive terminal and headquarters building south of the downtown core on Hunter Street East. Increasingly underutilized in recent years, the CN Station continued to serve as a passenger terminal for VIA Rail until 1992 and for GO Transit until 1993, when the building was finally closed. The GO trains, however, continue to use this stop while extensive renovations are in progress to convert the former TH&B Station to the new Hamilton GO Centre, scheduled to open in 1995.

Architecture

The CN complex consists of three main masses: the two–storey station with two lower levels opening onto the south embankment of the rail cut, the concourse extending from the rear of the main floor lobby out over the tracks, and the one–storey express building on the east side at track level. Designed by CNR architect, John Schofield, the Hamilton station represents a relatively late example of Beaux Arts Classicism, distinguished by its restrained elegance. A strong stylistic precedent for the design of major Canadian railway stations in this style was established by Ottawa's Union Station of 1908–10 followed by Toronto's Union Station,

designed in 1913–14 and completed in 1920. Characteristic of the best Beaux–Arts stations, the imposing architectural treatment of both the exterior and interior public areas of the Hamilton terminal is skilfully integrated with a clear axial plan, which accommodates equally well the passenger and operational functions. The main floor was designed for smooth traffic flow from the entrance lobby to the concourse, with services located in the lateral axes. The concourse set at right angles to the main station provided easy access to the trains by means of six stairways (including three ramps on the east side) running parallel to the passenger platforms.

Typical of Beaux–Arts buildings erected in Canada during the early twentieth century, the CN Station displays classically–inspired detailing and rich materials fused with contemporary Canadian motifs. The symmetrical two–storey facade, clad in Queenston limestone, is dominated by a central entrance portico with four massive Doric columns supporting an entablature and pediment. Above the three doorways are ornamental bronze grilles and bas relief stone panels depicting transportation scenes across Canada, carved by Hamilton artist William Oosterhoff. The intermediate wings display incised panels with stylized images of the various modes of transportation while the projecting end pavilions echo the classical treatment of the portico. The two pedimented doorways are flanked by pairs of pilasters supporting an entablature, which encircles the building.

Visitors are drawn by a strong visual axis through the main entrance lobby to the concourse. The stately grandeur of the lobby, featuring a terrazzo floor, marble wainscoting, Ionic half–columns and pilasters, a coffered ceiling, large skylights, bronze grillework and two bronze lanterns, contrasts with the modern simplicity of the concourse: practical glazed brick on the lower walls, exposed steel trusses, unobstructed floor space, and an abundance of direct natural light.

Along with the former Bank of Montreal (1928–9) and the former Hamilton Public Library (1913), the CN Station is one of Hamilton's finest surviving Beaux–Arts Classical buildings. As one of Schofield's most successful station designs, it ranks among Canada's most distinguished early 20th century railway stations of comparable size and has been recognized accordingly through designation under the Federal Heritage Railway Stations Protection Act.

Designated Features

Important to the preservation of the CN Station are:

1. the original features of all four facades of the main building and attached concourse, including the limestone and brick masonry walls; original windows and doors (some of which, including the front entrance doors have been replaced); the pedimented portico; the ornamental stone and bronze work; and the two remaining ramp and stair wells at the north end of the concourse.
2. the original features of the main floor lobby areas (main, ante and check lobbies) and ramp, including the terrazzo flooring, decorative coffered ceilings, marble wainscoting, classical columns and motifs, ornamental bronzework; and the undivided open space of the concourse, with its glazed brick, large windows and visible roof trusses.

1994 December 13

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FIRST** Report and respectfully recommends:

1. That as referred to in Section 65 of the First Report of the Transport and Environment Committee, the City's share of Services for "Land Severance Applications H-46 to 49-94" at a cost of \$2,635. and for "Beaverton Estates" at an additional cost of \$45,000. to a total of \$47,635. be financed from Centre No. CH 00107 - "Reserve for Services through Unsubdivided Lands".
2. That Realty and Business Tax Applications processed under Section 443 of the Municipal Act, Chapter 45 Statutes of Ontario, 1990 in the amount of \$152,670.34 be approved and charged to CH53307-24104 Tax Remissions.
3. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Author-ized Gross Cost	Expended To Date	Balance Available	Source(s) of Financing
(a) 708641003	Barrier Free Design Access-Vari-ous Recreation Buildings	\$100,000.	\$99,843.58	\$156.42	Capital Levy
(b) 319341010	125 Barton Street West - Replace Heating System	125,000.	46,772.59	78,227.41	Reserve for Capital Projects
(c) 319441006	Scott Park Arena - Replace Rink Boards	90,000.	89,977.83	22.17	Capital Levy
TOTAL				\$78,406.	

4. That the listing of Appointments To and Terminations From Permanent Positions with the Corporation of the City of Hamilton to 1994 November 30, attached herewith and marked Appendix "A", be approved.

1994 December 13

5. That the amendment to the United Brotherhood of Carpenters and Joiners of America, Local 18, contract, attached herewith and marked Appendix "B", be received pursuant to the Fair Wage Policy of the City of Hamilton.
6. That the 1995 Invoice for \$97,240. (plus GST) from Dunn and Bradstreet Software (formerly Management Science America) be authorized for payment from Account CH 5609X-26021 (User Software).
7. That a purchase order be issued to Sheridan Equipment Ltd., Mississauga, in the amount of \$112,164., including all applicable taxes and trade-ins, for the replacement of one (1) Detachable, Loader Mount Snowblower for Fleet Services, being the lowest acceptable of three tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
8. That the positions of Senior Parking Violations Clerk, Junior Parking Violations Clerk and Parking Violations Processing Clerk be transferred from the City of Hamilton Treasury Department to the City of Hamilton Traffic Department effective 1995 January 1.
9. That the City of Hamilton adopt the following policy with respect to the charging of interest on outstanding accounts billed through the accounts receivable system:
 - (a) That all outstanding accounts for taxes applicable to tenants occupying City owned properties be charged interest in accordance with the provisions of tax levy by-law 71-69; and,
 - (b) That Government bodies be exempt from the charging of interest on overdue accounts; and,
 - (c) That all other overdue accounts be charged interest at the prime rate of the Canadian Imperial Bank of Commerce plus 2% adjusted quarterly; and,
 - (d) That the Treasurer be authorized to waive interest charges if the account is paid within 60 days of the invoice date to eliminate the administration of collecting small balances; and,
 - (e) That the City continue to charge the interest rate outlined in existing agreements and that all future agreements contain the new policy; and,
 - (f) That the Treasurer be authorized to write off small balances below \$25. that prove to be uncollectible in accordance with the policy previously approved on business tax accounts.

10. That the City of Hamilton's Tax Collection Procedures be amended to include the following:
 - (a) Realty Taxes:

Implement a procedure whereby a listing of all properties with arrears in excess of two years be forwarded to all major financial institutions in the City of Hamilton; and,
 - (b) Business Taxes:
 - (i) Develop a system to match the City's accounts payables against outstanding business tax arrears and withhold payment pending negotiated settlement of the outstanding business taxes; and,
 - (ii) Purchase a system from Creditel at an estimated cost of \$1,200. per annum, which will provide staff with up to date and complete credit reports on the status of companies with business tax arrears; and,
 - (iii) Provide formal training for staff in collection techniques which will increase the effectiveness of in-house collections; and,
 - (iv) Advertise in the Hamilton Spectator requesting "Letters of Interest" for the on-site collection of outstanding business taxes from bailiffs licensed to operate in the Hamilton area.
11.
 - (a) That the Treasurer be authorized to prepare and issue a Request for Proposal to provide employee benefit coverage to include Long Term Disability, Major Medical, Dental, Extended Health Care, Group Life and Dependent Life Insurance and Accidental Death and Dismemberment Insurance; and,
 - (b) That the Request for Proposal be issued in conjunction with the Region's Request for Proposal for Benefit Plans; and,
 - (c) That the Wyatt Co. be retained to prepare the Request for Proposal and assist in the analysis of the responses.

1994 December 13

12. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

2415 Barton St. E.	256 Weir St. N.
398 Concession St.	48 Division St.
172 Julian Avenue	89 Garside Ave. S.
1935 Brampton St.	121 Huxley Ave. S.
155 Sunrise Dr.	124 Ottawa St. N.
99 Owen Place	111 MacNab St. S.
21 Crawford Dr.	244 James St. S.
2806 Barton St. E.	154 Catharine St. S.
265 East 17th St.	457 Wellington St. N.
920 Burlington St. E.	350 Ferguson Ave. N.
922 Burlington St. E.	69 Connaught Ave. N.
10 Leeds St.	185 Market St.
13 East Bend N.	40 East Ave. N.
15 East Bend N.	57 1/2 Breadalbane St.
27 Mons Ave.	135 Strachan St. E.
935 Barton St. E.	191 Market St.
15 Lincoln St.	72 Cheever St.
1249 Main St. E.	132 Robert St.

- (b) That the Mayor and City Clerk be authorized to execute the authorizing by-law and extension agreements.
13. (a) That the vacant position of " Secretary- Taxation (CTR 132A) " in the Taxation area be declared redundant and deleted from the complement of the Treasury Department; and,
- (b) That a position entitled " Assistant Collections Clerk/Taxation " be created and added to the complement of the Treasury Department; and,
- (c) That this position be assigned a temporary rating and be subject to review by the Maintenance Committee after a 6 month period to establish final classification; and,
- (d) That the Commissioner of Human Resources be authorized to post and fill the Assistant Collections Clerk/Taxation position.

14.
 - (a) That staff be authorized to enter into negotiations with Bell Advanced Communications, to finalize the purchase price for automated parking infraction notice issuing devices and associated hardware, operating software, maintenance, installation, training and maintenance repair contracts; and,
 - (b) That staff be authorized to enter into negotiations with McDonald Systems and Consulting, and subject to demonstration of satisfactory operation on the City's computer network, to finalize the price of purchase of software for the processing of parking infraction notices, including installation, system maintenance and training; and,
 - (c) That staff be authorized to enter into negotiations with Paradigm Consulting Group Inc. to finalize the purchase price of point of sale and cashiering software and hardware including installation, system training and ongoing maintenance system; and,
 - (d) That a report be brought back to the Committee on the outcome of the parking infraction notice hardware and software purchase negotiations and to obtain final Committee approvals before proceeding.
15.
 - (a) That the approved 1994 Grant for the Hamilton Firefighters Drum and Bugle Corps be increased to \$5,580. from the original amount of \$3,000. to offset the rental charges at the Hamilton Airport; and,
 - (b) That this additional amount totalling \$2,580. be financed by a transfer of appropriation from Account CH 5A049 20016, Unallocated Grant Funds to account CH 5A084 20030, Fire Department Band.
16. That funds be allocated from the Reserve for Replacement of Mobile Equipment for the replacement of a G.M.C. Suburban Emergency Vehicle in 1995, in the total estimated cost of \$29,000.

1994 December 13

17. (a) That the contract between the City of Hamilton and Nova Quitech for the purchase of a Combination Fire Apparatus (Quint #1), approved by City Council on 1994 May 31, be amended to provide for progress payments and an option for the City of Hamilton to sell the proposed trade-in vehicle; and,
 - (b) (i) That a purchase order be issued to Nova Quitech, not to exceed \$662,530. including all applicable taxes, for the supply and delivery of One (1) Combination Fire Apparatus (Quint #2) with a 65 foot, 3 section pre-piped Aerial Ladder and Class "A" Pumper Truck; and,
 - (ii) That this expenditure be financed through the Reserve for Replacement of Mobile Equipment Account No. CH 5X502 00101; and,
 - (iii) That One (1) Aerial Ladder Truck and Two (2) Triple Combination Pumpers be disposed of to offset the purchase price of the Combination Fire Apparatus (Quint #2); and,
 - (iv) That a contract be entered into satisfactory to the City Solicitor (Quint #2).
18. (a) That a purchase order be issued to Code 4 Fire & Rescue Inc., Mississauga, Ontario, in the amount of \$214,623.81, including all applicable taxes, for the supply and delivery on One (1) Rescue Vehicle; and,
 - (b) That this expenditure be financed through the Reserve for Replacement of Mobile Equipment Account No. CH 5X502 00101; and,
 - (c) That a contract be entered into satisfactory to the City Solicitor.
19. That the City Treasurer be authorized to finance additional expenditures incurred for unexpected repairs to the City owned property known as the Balfour Estate, 654 Garth Street, in the amount of \$10,996.82, from the Balfour Estate Trust Fund (CH 5X999 00404).

1994 December 13

20. (a) That approval be given to issue a purchase order in the amount of \$166,200. to Ark-Tech Contracting Ltd., of 250 Wilderness Dr. Ancaster, to provide monthly maintenance services for the electrical and lighting systems to the City buildings mentioned herein, this being the lowest tender received in accordance with specifications issued by the Treasury Department, Purchasing Division.

**Preventative Maintenance of Electrical Equipment
Ark-Tech Contracting Ltd.**

Location	Price Per Month For The Period Ending		
	1995	1996	1997
City Hall	\$ 600.	\$ 600.	\$ 600.
Hamilton Conv. Centre	\$ 400.	\$ 400.	\$ 400.
Library and Market	\$ 350.	\$ 350.	\$ 350.
C.U.P.& Park Garage	\$ 600.	\$ 600.	\$ 600.
Hamilton Place	\$ 550.	\$ 550.	\$ 550.
Copps Coliseum	\$ 500.	\$ 500.	\$ 550.
Total	\$3,000.	\$3,000.	\$3,050.

**Preventative Maintenance Of Lighting Equipment
Ark-Tech Contracting Ltd.**

Location	Price Per Month For The Period Ending		
	1995	1996	1997
City Hall (Outside)	\$ 300.	\$ 300.	\$ 300.
Library/Market	\$ 950.	\$ 950.	\$ 950.
Outside Lighting	\$ 350.	\$ 350.	\$ 350.
Total	\$1,600.	\$1,600.	\$1,600.

- (b) That contracts be entered into satisfactory to the City Solicitor.

1994 December 13

21. (a) That an Offer to Purchase, duly executed by Michael Bonduro (In Trust for a Company to be Incorporated), on 1994 November 21, and scheduled to close on or before 1995 April 14, for the lands situated in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 5, Concession 1, in the former Township of Barton, now in the City of Hamilton, and all Lots 8,9,10,11 and part of Lot 7, in the Beliot Survey Registered Plan No. 414, having a frontage of 62.91 metres (206.42 feet) more or less, comprising an area of 3,395.21 square metres (36,547 square feet) more or less, known municipally as 32 Lincoln Street, Hamilton, be approved and completed, and the funds derived from this sale of \$100,000., less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
- (b) That the required deposit cheque in the amount of \$10,000. be held by the City Treasurer pending Council approval; and,
- (c) That upon successful completion of this sale, a real estate commission of 5% on the \$100,000. sale price be paid to Murray Van Der Marel of Marel Real Estate Inc., who acted in this matter; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
22. (a) That the Mayor and City Clerk be authorized to execute documents in a form satisfactory to the City Solicitor to release the historically designated Bank of Montreal Building (at the Southwest corner of James & Main Streets, known as 52 James St. South) from the prior owner's covenant to the City, to redevelop the historic bank in conjunction with the construction of a highrise apartment tower (to be erected on the adjacent vacant parking lot,) to permit the bank building to be developed as a restaurant and club; and,
- (b) That Deed Number 438826 C.D. (pages 2 & 3 of the Schedule) and an amending agreement 8852 setting out the development covenants and the City's right to re-acquire the Bank be amended by deleting the right to repurchase the former Bank of Montreal for not proceeding with the combined bank/apartment tower redevelopment; and,
- (c) That Section 1 (c) (i) (ii) (iii) of the Twentieth Report for 1989 of the Transport and Environment Committee, approved by City Council on 1989 December 12 which authorized closing and leasing a portion of the City's alley to Wellesley Retirement Group Inc. for an underground portion of the proposed development, be rescinded; and,

- (d) That the existing City Site Plan Agreement applicable to the Bank of Montreal and the adjacent parking lot be discharged as the approved time limit for the implementation of the site plan has expired.
- 23.
- (a) That one of the current high volume matrix (impact) printers be replaced with a used laser printer from IBM Canada Limited, Burlington (the lowest of 8 proposals), at the monthly cost, based on print volumes of \$10,052. (upset limit) for 36 months commencing 1995 January 1 in accordance with their proposal dated 1994 November 15; and,
 - (b) That funding be provided from Account CH56605-26016 (Host Printing Equipment Rental).
- 24.
- (a) That the City resolve lien claims by Cipolla Services Ltd., 262178 Ontario Inc. c.o.b. Tesla Electric Company Ltd, and Serv-Alarm Service & Maintenance Company Limited, arising out of the computer renovation and relocation project at 71 Main Street West, on the following terms:
 - (i) That the City make payment to the lien claimants Cipolla Services Ltd., 262178 Ontario Inc. c.o.b. Tesla Electric Company Ltd, and Serv-Alarm Service & Maintenance Company Limited, of holdback amounts totalling \$39,658.46, inclusive of all claims for damages, interest and costs; and,
 - (ii) That all Liens and Certificates of Action registered on the title of the City's lands at 71 Main Street West, by Cipolla Services Ltd., 262178 Ontario Inc. c.o.b. Tesla Electric Company Ltd, and Serv-Alarm Service & Maintenance Company Limited, be discharged; and,
 - (iii) That all Court Actions commenced against the City by Cipolla Services Ltd., 262178 Ontario Inc. c.o.b. Tesla Electric Company Ltd, and Serv-Alarm Service & Maintenance Company Limited, to enforce lien claims arising out of the computer renovation and relocation project at 71 Main Street West be dismissed without costs; and,
 - (b) That the holdback amounts be paid from Accounts CH 21406001 and CF 5200 329241002.
25. That outstanding business taxes in the amount of \$352,155.64 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to account CH53401 24106, Tax Write-offs.

1994 December 13

26. That outstanding Accounts Receivables totalling \$16,227.35 be written off and charged to Account CH 15401 00001.
27. That in accordance with the provisions contained in Section 30 of the City's Procedural By-law 82-203 for Council to establish the day and hour for regular meetings of its Standing Committees, that the Finance and Administration Committee hold its regular meetings on the Tuesday's of the week prior to City Council meetings at 1:30 o'clock p.m.
28. That leave be granted to introduce the following Bills:
 - (a) D-2 A By-law to Authorize Central Utilities Plant Trigeneration Project and Additional Sidewalk Reconstruction Project.
 - (b) D-3 A By-law to Amend By-law No. 7530 - The Sick Leave By-law.
 - (c) D-4 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (d) D-5 A By-Law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully Submitted,

**ALDERMAN B. CHARTERS, CHAIRPERSON
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1994 December 8**

Appendix "A" referred
to in Section 4 of the
First Report of the
Finance and Administration
Committee.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Kevin Addison	I	Lead Hand (Cemetery) (D-15)	Public Works	Replacing Mr. J. Gibbs - promoted, Feb. 28/94	\$36,416.64	Oct. 03/94
Ms. Ellen Arcas	I	Secretary Administration (10-D)	Fire	Replacing Ms. N. Rosehart - promoted, Oct. 17/94	\$28,677.48 to \$31,050.76	Oct. 17/94
Mr. Ivan Bijan	I	Lead Hand (Cemetery) (D-15)	Public Works	Replacing Mr. T. Thurston - promoted, July 18/94	\$36,416.64	Oct. 03/94
Mr. Russell Bourque	I	Truck Driver/Labourer (D-13)	Public Works	Replacing Mr. D. Mazzocco - promoted, Sept. 12/94	\$35,686.56	Oct. 04/94
Mr. Gary Burgess	I	Captain (C12-A)	Fire	Replacing Mr. J. Riccione - retired, Oct. 30/93	\$72,764.50	Oct. 23/94

Prepared November 30/94

Status	
Internal	A - I
External	B

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Elton Cooke	I	Yard Attendant (D-15)	Public Works	Replacing Mr. A. Berry - promoted Aug. 01/94 Mr. S. Gentile - retired, June 30/94	\$36,416.64	Oct. 17/94
Ms. Colleen Cullen	I	Probationary Communications Fire Operator (NIB)		Replacing Mr. S. Smith - resigned, May 14/94	\$34,234.08	Oct. 17/94
Mr. Michael Holmes	I	Lead Head (Cemetery) (D-15)	Public Works	Replacing Mr. J. Bevas - retired, July 29/94	\$36,416.64	Oct. 03/94
Mr. Mitchell Loik	I	Lead Head (Cemetery) (D-15)	Public Works	Replacing Mr. W. Fitzgally - retired, Dec. 31/93	\$36,416.64	Oct. 03/94

Prepared November 30/94



THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Danny Mazzorato	I	Street Sweeper/Flusher Operator (D-14)	Public Works	Replacing Mr. A. Rochford - returned to former position, July 25/94	\$36,052.64	Sept. 12/94
Ms. Allison Nicholson	I	Client Service Executive (12)	H.E.C.F.I.	Replacing Ms. M. Loos - resigned, Oct. 14/94	\$34,001.76 to \$36,824.32	Oct. 17/94
Ms. Nancy Rosehart	I	Secretary, Administration (10-E)	Fire	Replacing Ms. C. Cullen - promoted, Oct. 17/94	\$28,864.84 to \$31,684.12	Oct. 17/94
Mr. Nick Ruggiero	I	Lead Hand (Cemetery) (D-15)	Public Works	Replacing Mr. J. Willard - promoted, Sept. 06/94	\$36,416.64	Oct. 03/94

Prepared November 30/94

Station
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Earl Begg	Zoning Examiner/Code Correlator	Building	Retired (Early)	39 years, 8 months	Sept. 30/94
Mr. Gary Henson	Manager, Recreation Services	Culture & Recreation	Terminated	28 years	Sept. 12/94
Ms. Margaret Lees	Client Services Executive	H.E.C.F.I.	Resigned	5 years, 11 months	Oct. 14/94
Mr. Al Medeiros	Asphalt Raker	Public Works	Retired (Early)	9 years, 3 months	Sept. 30/94
Mr. Howard Murray	Parking Control Officer	Traffic	Resigned	2 years, 2 months	Oct. 01/94

Prepared November 30/94

Glossary of Terms

Terminated - long term disability

- discharge
- downsizing
- redundant

Resigned - personal betterment
- personal reasons

United Brotherhood of Carpenters and Joiners of America, Local 18

Duration of Agreement - August 1, 1992 to April 30, 1995

JOURNEYMAN CARPENTER (Zone 1 Hamilton)

<u>DATE</u>	<u>HRLY. WAGE RATE</u>	<u>VAC. PAY</u>	<u>PENS.</u>	<u>WELFARE</u>	<u>TOTAL WAGE PKG.</u>
Nov. 1/94	\$26.49	2.65	2.45	1.65	\$33.24

CARPENTER APPRENTICE RATES

* PERCENTAGES BASED ON JOURNEYMAN RATE ON NOV. 1/94 OF \$26.49

<u>DATE</u>	<u>HRLY. WAGE RATE</u>	<u>VAC. PAY</u>	<u>PENS.</u>	<u>WELFARE</u>	<u>TOTAL WAGE PKG.</u>
Nov. 1/94 (1st 6 mos. 40%)	10.60	1.06	2.45	1.65	15.76
Nov. 1/94 (2nd 6 mos. 50%)	13.25	1.33	2.45	1.65	18.68
Nov. 1/94 (2nd yr. 65%)	17.22	1.72	2.45	1.65	23.04
Nov. 1/94 (3rd yr. 75%)	19.87	1.99	2.45	1.65	25.96
Nov. 1/94 (4th yr. 85%)	22.52	2.25	2.45	1.65	28.87

prepared by M. Bikic, HRC

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1994 DECEMBER 13
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

**TO INCORPORATE BLOCK 11, PLAN 62M-333
INTO GARDINER DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Gardiner Drive by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Gardiner Drive.

All of Block 11, Plan 62M-333

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO INCORPORATE BLOCK 30, PLAN 62M-733
INTO TERNI BOULEVARD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Terni Boulevard by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Terni Boulevard.

All of Block 30, Plan 62M-733

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO INCORPORATE PART 1, PLAN 62R-6555
INTO EWEN ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Ewen Road by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Ewen Road.

Part of Lot 55, Concession 1, in the geographic township of Ancaster, designated as Part 1, on Plan 62R-6555.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

**TO INCORPORATE PARTS 4, 6, 8 AND 9, PLAN 62R-12407
INTO UPPER WELLINGTON STREET**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Upper Wellington Street by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Upper Wellington Street.

Part of Lot 7, Concession 1, in the geographic township of Glanford, designated as Parts 4, 6, 8 and 9, on Plan 62R-12407.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO INCORPORATE PART 2, PLAN 62R-13161
INTO JACQUELINE BOULEVARD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Jacqueline Boulevard by incorporating within its limits the lands described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Jacqueline Boulevard.

Part of Lot 7, Concession 1, in the geographic township of Glanford, designated as Part 2, on Plan 62R-13161.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this

day of

A.D. 1994

City Clerk

Mayor

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Maple	Eastbound and Westbound	Garside
Ottawa	Northbound and Southbound	Sherbrooke
Belmont	Northbound and Southbound	Roxborough
Devon	Eastbound and Westbound	Bond
Whitney	Eastbound	Bowman
Carousel	Northbound	Fieldway
Hughson	Northbound	Rebecca
Chester	Westbound	Appleblossom
Lynette	Westbound	Claudette Gate
Fairington	Northbound	Eastgate
Tara	Northbound	Summercrest
Fairfield	Northbound and Southbound	Roxborough
St. Andrews	Northbound and Southbound	Fairway".

and by deleting thereto the following item, namely:-

"Fairway	Eastbound	St. Andrews (East Leg)".
----------	-----------	--------------------------

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"John	West	Simcoe to 160 feet north	Anytime
John	East	Simcoe to 151 feet north	Anytime
Hunter	South	from 135 feet west of Locke to 170 feet westerly therefrom	Anytime
Lucerne	North	from 50 feet east of Holmesdale to 50 feet west of Holmesdale	Anytime".

3. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following items, namely:-

"Tragina	West	23 feet	66 feet south of Vansitmart	9:00 am - 5:00 pm Monday to Friday
Ruby	North	38 feet	32 feet east of Rushdale	Anytime
Nelligan	South	22 feet	231 feet east of Erin	Anytime
Oak	West	26 feet	208 feet north of Cannon	9:00 am - 8:00 pm
Charlton	North	41 feet	120 feet west of Locke	Anytime".

4. **Schedule 30 (Commercial Loading Zones)** is hereby amended by adding thereto the following item, namely:-

"King William	South	22 feet	64 feet east of John	9:00 am - 5:00 pm Monday to Friday".
---------------	-------	---------	----------------------	---

and by deleting therefrom the following item, namely:-

"Kinrade	West	36 feet	580 feet south of Barton	8:00 am - 5:00 pm Monday to Friday".
----------	------	---------	--------------------------	---

PASSED this _____ day of _____ A.D. 1994.

CITY CLERK

MAYOR

BY-LAW NO. 94 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Forest	South	commencing at a point 128 feet west of John to a point 23 feet westerly therefrom	Anytime
Bold	South	commencing at a point 168 feet east of Locke to a point 22 feet easterly therefrom	Anytime
Fairfield	East	commencing at a point 38 feet north of Vansitmart to a point 27 feet northerly therefrom	Anytime
Cumberland	South	commencing at a point 48 feet east of the east curb line of Balsam to a point 158 feet westerly therefrom	Anytime
Cameron	West	commencing at a point 25 feet north of Central to a point 28 feet northerly therefrom	Anytime
Canada	North	commencing at a point 194 feet west of Locke to a point 18 feet westerly therefrom	Anytime".

and by deleting therefrom the following items, namely:-

"Stanley	North	from a point 527 feet east of Dundurn to a point 25 feet easterly therefrom	Anytime
James	West	commencing at a point 124 feet north of Macauley to a point 20 feet northerly therefrom	Anytime
Fairfield	East	commencing 368 feet north of Britannia to a point 18 feet northerly therefrom	Anytime
Peter	North	commencing at a point 316 feet west of Queen to a point 40 feet westerly therefrom	Anytime
Dunsmure	South	commencing 78 feet west of Glassco to a point 20 feet westerly therefrom	Anytime
Dunsmure	North	commencing 85 feet west of Glassco to a point 20 feet westerly therefrom	Anytime".

2. **Schedule 25 (Parking Time Limits)** is hereby amended by deleting therefrom the following items, namely:-

"Crockett	Both	East 34th to East 35th	3 hr	8 am - 5 pm	Mon - Fri
Avondale	Both	Beach Rd to Gertrude	3 hr	8 am - 8 pm	Mon - Fri
Grosvenor	Both	Campbell to 80 ft. south	3 hr	8 am - 6 pm	Mon - Sat
Whitney	South	from 117 feet west of Mericourt to 137 feet westerly	1 hr	8 am - 11 pm	Mon - Sat".

and by adding thereto the following items, namely:-

"Mary	West	Wilson to 278 feet north	1 hr	Anytime	
West 3rd	Both	Richwill to southerly end (including the bulb of the Court)	1 hr	8 am - 6 pm	Mon - Fri
Crockett	North	East 34th to East 35th	3 hr	8 am - 5 pm	Mon - Fri
Crockett	South	East 35th to 118 feet west	3 hr	8 am - 5 pm	Mon - Fri
Queensdale	North	West 2nd to 68 feet west of Upper James	1 hr	8 am - 4 pm	Mon - Fri
Grenfell	South	Holly to Benson	1 hr	8 am - 6 pm	Mon - Fri
Leslie	Both	West 33rd to West 34th	1 hr	8 am - 6 pm	Mon - Fri
Whitney	South	from 108 feet west of Mericourt to 170 feet westerly	1 hr	8 am - 11 pm	Mon - Sat".

3. **Schedule 26 (No Parking Areas)** is hereby amended by deleting therefrom the following items, namely:-

a)	"David	East	from a point 87 ft. south of Southbend to Crestwood	Anytime	
	Forest	North	John to East End	1 pm - 4 pm	2nd Thurs each month APR - NOV
	Mary	West	King William to Cannon	Anytime	
	Whitney	South &			
		West	Mericourt to Main (D)	Anytime	
	Whitney	North &			
		East (D)	Mericourt to 410 ft. west	Anytime	
	Whitney	South	commencing 117 feet west of Mericourt to a point 25 feet westerly therefrom	6 pm - 8 am	Mon - Sat
	Whitney	South	From 254 ft. west of Mericourt to Main	Anytime".	

and by adding thereto the following items, namely:-

"David	East	Crestwood to 68 feet north	Anytime	
Angus	North	Quigley to Selway	Anytime	
Forest	North	Wellington to the west curb line of Aurora	Anytime	
Leslie/	North &			
West 23rd	East	commencing at a point 118 feet east of Price to the north property line of No. 83 West 23rd	Anytime	
Kings Forest	West	Nova to 88 feet north	Anytime	
Forest	North	John to west curb line of Aurora	1 pm - 4 pm	2nd Thurs each month APR - NOV

Schedule 26 (No Parking Areas) - Cont'd

Mary	East	Wilson to Kelly	Anytime	
Mary	West	King William to Wilson	Anytime	
Spring	East	commencing at a point 123 feet north of Main to a point 30 feet northerly therefrom	Anytime	
Newlands	South	Kenilworth to 185 feet west	Anytime	
Robinson	North	commencing at a point 115 feet west of James to a point 31 feet westerly therefrom	Anytime	
Dunsmure	South	Walter to Adeline	Anytime	
Whitney	South	commencing 108 feet west of Mericourt to a point 25 feet westerly therefrom	6 pm - 8 am	Mon - Sat
Whitney	South	From 178 feet west of Mericourt to Main	Anytime".	

b) and by deleting from **Sub-section A (Loading Zones)** the following item, namely:-

"Robinson	North	20 ft. 96 ft. west of James	Anytime
Roxborough	North	36 ft. 30 ft. west of Kenilworth	Anytime".

4. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"Dunsmure	South	North".
Strathearne Avenue to Parkdale Avenue		

and by adding thereto the following items, namely:-

"Dunsmure	South	North
Strathearne to Walter		
Dunsmure	South	North".
Adeline to Parkdale		

PASSED this

day of

A.D. 1994.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1(c) of By-law No. 94-186, passed on the 8th day of November 1994, (pursuant subsection 28(2) of the Planning Act, R.S.O. 1990, Chapter P.13), designated the area shown on Schedule "A-2" thereto as the International Village B.I.A. Community Improvement Project Area;

AND WHEREAS it is intended to adopt a community improvement plan for the International Village B.I.A. Community Improvement Project Area in accordance with subsection 28(4) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The International Village Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, is hereby adopted as the community improvement plan for the International Village B.I.A. Community Improvement Project Area.

2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in section 1 shall include approval for the doing of all things for the purpose thereof.

3. This by-law comes into force and effect on the date of its approval by the Ministry of Municipal Affairs.

PASSED this day of

A.D. 1994

CITY CLERK

MAYOR

SCHEDULE "A"

THE INTERNATIONAL VILLAGE COMMUNITY IMPROVEMENT PLAN

Purpose:

To establish a plan for the International Village Community Improvement Project Area in order to implement The Corporation of the City of Hamilton's Commercial Loan Programs.

Preface:

The following plan constitutes the corresponding Community Improvement Plan for the International Village Community Improvement Project Area which will also be designated by by-law, by Hamilton City Council.

Introduction:

The International Village Community Improvement Project Area falls within the Central Policy Area as per the City of Hamilton's Official Plan. Accordingly, the Area is to be promoted as a multi-use node by creating an attractive environment in which to live, work, do business, shop or visit. International Village is a major commercial area within the Central Policy Area. In an effort to energize and revitalize the Area, the City of Hamilton has undertaken improvements to the streetscape such as, but not limited to, interlocking brick, improved lighting, installation of benches, etc. Another important aspect of improving the visual appearance of the Area involves the upgrading of existing building fronts and interiors to not only increase the attractiveness of the Area, but also provide a tool for merchants to improve their commercial images. Since the age of the existing buildings range from ninety to sixty years old, there is a need to encourage individual owners and tenants of buildings to renovate via loans administered under the commercial loan programs.

Commercial loan program

In a Report submitted by the Public Works Department (nee Community Development Department) dated 1985 December 10 and included in its Capital Budget submission, the Planning and Development Committee approved the establishment of the Commercial Facade Loan Program. Subsequently City Council at its meeting held 1986 June 24 gave the Department of Public Works (nee Community Development) authorization to proceed with implementation of the Commercial Facade Loan Program by adopting Item 10 of the Twelfth Report for 1986 of the Planning and Development Committee. Furthermore, on 1993 January 12, City Council approved the establishment of a new commercial loan program for the upgrading of the interior of commercial buildings located within Business Improvement Areas. The funds for the new program were combined with the existing Commercial Facade Loan Program funds and the program was renamed the "Commercial Loan Program".

The International Village Business Improvement Area (B.I.A.) designated as a community improvement project area under section 28 of the Planning Act, 1990, along with this Community Improvement Plan, enables the Commercial Loan Program to be implemented. The program is designed to provide low interest loans to owners and tenants for rehabilitation and improvements to commercial properties located in (B.I.A.'s). A low interest loan covering 100% of the eligible exterior improvement costs to a maximum of \$15,000. per municipal address is available. In addition the owner of real property may also obtain an additional \$10,000. loan for interior improvements. In cases where an owner owns several properties within a B.I.A. the maximum any one owner can obtain is \$45,000. for exterior, and \$30,000. for interior work. Owners of businesses who do not own any real property may borrow a maximum of \$2,000. for modifications or improvements.

The interest rate on the loan is one-half of the prime interest rate at the Canadian Imperial Bank of Commerce on the date the loan agreement is signed.

The loan is amortized over a maximum of 10 years and secured by a lien registered on title and/or a promissory note.

The attached Appendix "A" constitutes the Commercial Loan Program Guidelines. Appendix "B" is a map of the community improvement project area or, area of implementation.

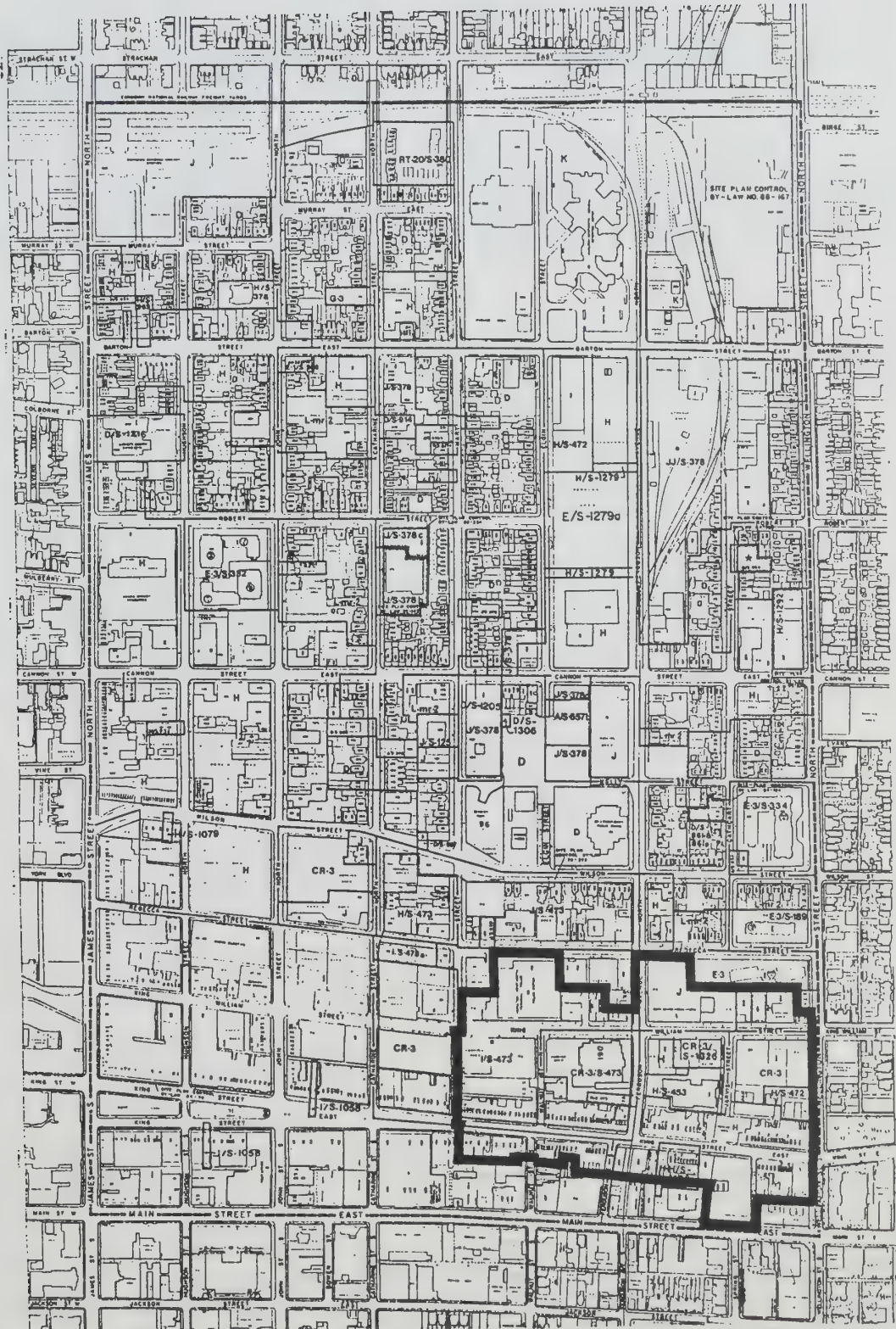
Conclusion:

The Community Improvement Plan is intended to be action oriented, concentrating on rehabilitating or updating existing building facades and interiors, rather than large scale redevelopment.

COMMERCIAL LOAN PROGRAM

GUIDELINES

- limited to Business Improvement Areas (B.I.A.'S)
- loans at an interest rate of one-half of the City's prime borrowing rate
- maximum loan amount \$15,000. per property owner for exterior improvements
- maximum loan amount of \$10,000. per property owner for interior improvements
- maximum loan amount of \$2,000. per business operator that does not own real property
- maximum loan any one owner of several properties within a B.I.A. can obtain is \$45,000. exterior, and \$30,000 interior
- loan amortized over ten years (open)
- building envelope to be inspected, including exterior shell (foundation, exterior walls, roof, fire escapes and chimneys). Any deficiencies corrected, before optional improvements determined by owner or operator.
- Improvements eligible include: re-roofing; repainting; repointing masonry or brickwork; repairing cornices and other architectural details; redesigned store fronts; removal of inappropriate signage; installation of appropriate new signage; window repair and restoration; restoration of original facade appearance; canopies and awnings; interior fixtures, including partitions; interior decorating including lighting, painting, wallpaper; "built-in" showcases, freezers, special plumbing; interior signage, etc.
- Professional fees (architects, engineers, solicitors, etc. are an eligible expense).
- Loan repaid on monthly basis. No penalty applied for full payment before the term of loan.
- Loan may be transferred to a new owner providing the new owner meets and agrees to the terms and conditions of the loan (this approval must be requested in writing and will be confirmed in writing by the City).
- Applicant must be the registered owner of the commercial property
- owners' or tenants' taxes and B.I.A. Levies must be current
- loans must be recommended by the B.I.A. Board and approved by the Planning and Development Committee and City Council
- no restrictions on demolitions except that any outstanding loans must be repaid to the municipality. Buildings that are designated under the Heritage Act may have more restrictions applied
- loan commitments are valid for one year and expire if the work is not completed within that time period
- all money collected on repayment to be placed in a recyclable account to continue program after original capital budget allocation
- unit eligibility will be based on latest revised business assessment rolls
- owner to obtain two estimates for building envelope based on inspection, and two for exterior and interior improvements (the Building Department will approve the estimates based on their inspection)
- loan application reviewed by Building Department, Loans Division with input from the B.I.A. Board, and in cases of heritage buildings, the City's Planning Department
- report sent to the Planning and Development Committee and City Council recommending approval of loan
- loan commitment provided in writing. Only at that time can work being funded commence
- progress payment may be requested and issued after inspection and confirmation work completed as per the Ontario Building Code



The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

WHEREAS Section 1(b) of By-law No. 94-186, passed on the 8th day of November 1994, (pursuant to subsection 28(2) of the Planning Act, R.S.O. 1990, Chapter P.13), designated the area shown on Schedule "A-1" thereto as the Downtown Hamilton B.I.A. Community Improvement Project Area;

AND WHEREAS it is intended to adopt a community improvement plan for the Downtown Hamilton B.I.A. Community Improvement Project Area in accordance with subsection 28(4) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Downtown Hamilton Community Improvement Plan hereto annexed as Schedule "A" and forming part of this by-law, is hereby adopted as the community improvement plan for the Downtown Hamilton B.I.A. Community Improvement Project Area.
2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in section 1 shall include approval for the doing of all things for the purpose thereof.
3. This by-law comes into force and effect on the date of its approval by the Ministry of Municipal Affairs.

PASSED this day of

A.D. 1994

CITY CLERK

MAYOR

SCHEDULE "A"

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

Purpose:

To establish a plan for the Downtown Hamilton Community Improvement Project Area in order to implement The Corporation of the City of Hamilton's commercial loan programs.

Preface:

The following plan constitutes the corresponding Community Improvement Plan for the Downtown Hamilton Community Improvement Project Area which will also be designated by By-law, by Hamilton City Council.

Introduction:

The Downtown Hamilton Community Improvement Project Area falls within the Central Policy Area as per the City of Hamilton's Official Plan. Accordingly, the Area is to be promoted as a multi-use node by creating an attractive environment in which to live, work, do business, shop or visit. Downtown Hamilton is a major commercial area within the Central Policy Area. In an effort to energize and revitalize the Area, the City of Hamilton has undertaken improvements to the streetscape such as, but not limited to, interlocking brick, improved lighting, installation of benches, etc. Another important aspect of improving the visual appearance of the Area involves the upgrading of existing building fronts and interiors to not only increase the attractiveness of the Area, but also provide a tool for merchants to improve their commercial images. Since the age of the existing buildings range from one hundred and thirty years old to seventy years old, there is a need to encourage individual owners and tenants of buildings to renovate via loans administered under the commercial loan programs.

Commercial loan program

In a Report submitted by the Public Works Department (nee Community Development Department) dated 1985 December 10 and included in its Capital Budget submission, the Planning and Development Committee approved the establishment of the Commercial Facade Loan Program. Subsequently City Council at its meeting held 1986 June 24 gave the Department of Public Works (nee Community Development) authorization to proceed with implementation of the Commercial Facade Loan Program by adopting Item 10 of the Twelfth report for 1986 of the Planning and Development Committee. Furthermore, on 1993 January 12, City Council approved the establishment of a new commercial loan program for the upgrading of the interior of commercial buildings located within Business Improvement Areas. The funds for the new program were combined with the existing Commercial Facade Loan Program funds and the program was renamed the "Commercial Loan Program".

The Downtown Hamilton Business Improvement Area (B.I.A.) designated as a community improvement project area under section 28 of the Planning Act, 1990, along with this Community Improvement Plan, enables the Commercial Loan Program to be implemented. The program is designed to provide low interest loans to owners and tenants for rehabilitation and improvements to commercial properties located in (B.I.A.'s). A low interest loan covering 100% of the eligible exterior improvement costs to a maximum of \$15,000. per municipal address is available. In addition the owner of real property may also obtain an additional \$10,000. loan for interior improvements. In cases where an owner owns several properties within a B.I.A., the maximum any one owner can obtain is \$45,000. for exterior, and \$30,000. for interior work. Owners of businesses who do not own any real property may borrow a maximum of \$2,000. for modifications or improvements.

The interest rate on the loan is one-half of the prime interest rate at the Canadian Imperial Bank of Commerce on the date the loan agreement is signed.

The loan is amortized over a maximum of 10 years and secured by a lien registered on title and/or a promissory note.

The attached Appendix "A" constitutes the Commercial Loan Program Guidelines. Appendix "B" is a map of the community improvement project area or, area of implementation.

Conclusion:

The Community Improvement Plan is intended to be action oriented, concentrating on rehabilitating or updating existing building facades and interiors, rather than large scale redevelopment.

COMMERCIAL LOAN PROGRAM

GUIDELINES

- limited to Business Improvement Areas (B.I.A.'S)
- loans at an interest rate of one-half of the City's prime borrowing rate
- maximum loan amount \$15,000. per property owner for exterior improvements
- maximum loan amount of \$10,000. per property owner for interior improvements
- maximum loan amount of \$2,000. per business operator that does not own real property
- maximum loan any one owner of several properties within a B.I.A. can obtain is \$45,000. exterior, and \$30,000 interior
- loan amortized over ten years (open)
- building envelope to be inspected, including exterior shell (foundation, exterior walls, roof, fire escapes and chimneys). Any deficiencies corrected, before optional improvements determined by owner or operator.
- Improvements eligible include: re-roofing; repainting; repointing masonry or brickwork; repairing cornices and other architectural details; redesigned store fronts; removal of inappropriate signage; installation of appropriate new signage; window repair and restoration; restoration of original facade appearance; canopies and awnings; interior fixtures, including partitions; interior decorating including lighting, painting, wallpaper; "built-in" showcases, freezers, special plumbing; interior signage, etc.
- Professional fees (architects, engineers, solicitors, etc. are an eligible expense)
- loan repaid on monthly basis. No penalty applied for full payment before the term of loan.
- Loan may be transferred to a new owner providing the new owner meets and agrees to the terms and conditions of the loan (this approval must be requested in writing and will be confirmed in writing by the City).
- Applicant must be the registered owner of the commercial property
- owners' or tenants' taxes and B.I.A. Levies must be current
- loans must be recommended by the B.I.A. Board and approved by the Planning and Development Committee and City Council
- no restrictions on demolitions except that any outstanding loans must be repaid to the municipality. Buildings that are designated under the Heritage Act may have more restrictions applied
- loan commitments are valid for one year and expire if the work is not completed within that time period
- all money collected on repayment to be placed in a recyclable account to continue program after original capital budget allocation
- unit eligibility will be based on latest revised business assessment rolls
- owner to obtain two estimates for building envelope based on inspection, and two for exterior and interior improvements (the Building Department will approve the estimates based on their inspection)
- loan application reviewed by Building Department, Loans Division with input from the B.I.A. Board, and in cases of heritage buildings, the City's Planning Department
- report sent to the Planning and Development Committee and City Council recommending approval of loan
- loan commitment provided in writing. Only at that time can work being funded commence
- progress payment may be requested and issued after inspection and confirmation work completed as per the Ontario Building Code



The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 130 (120) BAY STREET SOUTH

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 130 (120) Bay Street South and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this

day of

A.D. 1994

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 9

130 (120) Bay Street South, Hamilton, Ontario

FIRSTLY

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being Lots 1 and 2 according to a Plan of Survey made by Thomas Allan Blyth, P.L.S., for Helen Rae, registered in the Registry Office for the Registry Division of Wentworth as Plan Number 66, being a subdivision of Lots 18, 19, 20, 21 and 22, fronting on Hunter Street, in the block bounded by Bay, Hunter, Caroline and Bold Streets, according to George S. Tiffany's Survey of Lots in the said City of Hamilton.

SECONDLY

All and singular that certain parcel or tract of land and premises situate, lying and being in the said City of Hamilton, and being composed of part of the easterly half of lot 3 on the south side of Hunter Street between Bay and Caroline Streets, according to Helen Rae's Survey, registered in the Registry Office for the Registry Division of Wentworth as Plan Number 66, and more particularly described as follows:

Commencing at a post planted on the south side of Hunter Street at the distance of 28 feet, 4-3/4 inches more or less from the north west corner of said Lot.

Thence southerly in a straight line through the middle of the party wall between the two brick houses on said Lot, 71 feet more or less to a point 15 feet south of the end of said party or partition wall (hereinafter called the partition wall).

Thence westerly parallel with Hunter Street, 1 foot more or less to a point at the centre (or on the middle line) of said Lot.

Thence southerly along the middle line of said Lot, 58 feet, 9 inches more or less to the southerly boundary of said Lot.

Thence easterly along said southerly boundary, 27 feet, 4-3/4 inches more or less to the south east corner of said Lot.

Thence northerly along the eastern boundary thereof, 129 feet, 9 inches more or less to Hunter Street.

Thence westerly along the southerly boundary of Hunter Street, 26 feet, 4-3/4 inches more or less to the place of beginning.

SAVING AND EXCEPTING THEREOUT AND THEREFROM the following lands:

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and being composed of parts of Lots Numbers 2 and 3 on the south side of Hunter Street between Bay and Caroline Streets, and being on a plan of survey known as Helen Rae, registered in the Registry Office for the Registry Division of Wentworth as Plan Number 66, and which may be more particularly described as follows, that is to say,

Commencing where an iron bar has been planted in the southern limit of Hunter Street where the said limit is intersected by the production northerly of the centre line of the dividing wall between the brick house erected on the herein described parcel of land and known as Number 117 Hunter Street West and the brick house erected on the lands adjoining on the west and known as Number 119 Hunter Street West, the said iron bar being distant 135 feet, 6-3/4 inches measured westerly along the southern limit of Hunter Street from the western limit of Bay Street as shown on the said Registered Plan Number 66.

Thence southerly to and along the said centre line of the said dividing wall, 55 feet, 5-1/2 inches more or less to a point in the southern face of the southern wall of the main portion of the aforesaid brick house known as Number 117 Hunter Street West, the said point being distant 136 feet, 11-1/2 inches measured westerly parallel with the southern limit of Hunter Street from the western limit of Bay Street.

Thence westerly along the southern face of the southern wall of the aforementioned brick house known as Number 117 Hunter Street West, 2-1/2 inches to a point in the centre line of a brick wall dividing the brick additions erected in the rear of brick houses Numbers 117 and 119 Hunter Street West.

Thence southerly along the centre line of the last mentioned dividing wall, 13 feet, 9-1/2 inches more or less to a point in the centre line of the northern wall of the brick St. Mark's Church Sunday School building erected on the lands adjoining the herein described parcel of land on the south, the said point being distant 137 feet, 1 inch measured westerly parallel with Hunter Street from the western limit of Bay Street.

Thence easterly along the centre line of the aforesaid northern wall of St. Mark's Church Sunday School, and being parallel with the southern limit of Hunter Street, 13 feet, 8 inches more or less to a point in the production southerly of the easterly face of the brick addition erected in the rear of the aforementioned brick house known as Number 117 Hunter Street West.

Thence northerly along the said production of the easterly face of the last mentioned brick addition, 4-1/2 inches to the northern face of the northern wall of the St. Mark's Church Sunday School building herein mentioned, the said point being distant 68 feet, 10-1/2 inches measured southerly parallel with the western limit of Bay Street from the southern limit of Hunter Street, and being also distant 123 feet, 5 inches measured westerly parallel with Hunter Street from the western limit of Bay Street.

Thence easterly along the northern face of the northern wall of the aforementioned St. Mark's Sunday School, and being parallel with the southern limit of Hunter Street, 16 feet, 4 inches more or less to a point which is distant 107 feet, 1 inch measured westerly parallel with the southern limit of Hunter Street from the western limit of Bay Street.

Thence north-easterly in a straight line, 3 feet, 9 inches more or less to a point which is distant 66 feet measured southerly parallel with the herein firstly described course from the southern limit of Hunter Street, and being also distant 104 feet, 6-3/4 inches measured westerly parallel with Hunter Street from the western limit of Bay Street.

Thence northerly parallel with the herein firstly described course, 66 feet more or less to a point in the southern limit of Hunter Street.

Thence westerly along the southern limit of Hunter Street, 32 feet, 8 inches more or less to the place of beginning. On the above described parcel of land is erected brick house number 117 Hunter Street West.

PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 494780 C.D.

Schedule "B"

to

By-law No.**Former St. Mark's Anglican Church****130 (120) Bay Street South, Hamilton**

In 1877, construction of St. Mark's Anglican Church began at the southwest corner of Bay Street South and Hunter Street West. By January 1878, the church had its first service. Subsequently, a corner bell tower was erected on its Bay Street facade and, in 1925, the Sunday school was added to the west end of the sanctuary. The grounds in front of St. Mark's traditionally have been landscaped, creating a park-like setting for the church.

Context

In today's setting of high-rise apartment towers to the north, west and south, the St. Mark's property provides a welcome contrast with its open space and low-rise building. Situated across from the public grounds of Central School and City Hall, the church's front garden serves as an attractive amenity for the surrounding neighbourhood.

Architectural Significance

The church and Sunday school together create a single storey, L-shaped structure with an attached three-storey tower. It is the fifth Anglican church to be erected in Hamilton and the first to be constructed in brick. As originally built in 1878, St Mark's was a typical parish church building, designed in the vernacular Gothic Revival tradition. Characteristic of this late 19th-century version is the rectangular, one-storey, brick structure with gable roof, buttresses, belfry, and pointed arched windows. St. Mark's Church is distinguished in the use of brick corbelling and sets of triple arched windows which formerly contained stained glass. A bell tower, built later, adds a strong architectural feature to the east facade, while the gothic Sunday school and entrance porch of 1925 blend harmoniously with the original design of the church.

Historical Significance

The parish of St. Mark's was founded in 1877 by The Reverend R.G. Sutherland as the first "free pew" Anglican church in the city. St. Mark's is said to be the first Anglican church in Hamilton to introduce "advanced ritual" or high church service, daily service, Gregorian music, as well as many other innovations. After over a hundred years of serving the Anglican community, the church was closed and disestablished in 1989.

Designated Features

Of particular importance to the preservation of the former St. Mark's Church are the original features of the east, north, and south facades; the original window openings and doors; the Sunday School addition; the bell tower and the entrance porch. Also important to the site is the retention of the open green space which provides the church with an unique setting among the city's downtown churches.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1367 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A.(3)(a) of By-law No. 6593, a front yard of a depth of not less than 24.0 m (80 ft.) shall be provided and maintained along the entire westerly lot line;
- (b) Section 14A.(3)(c) of By-law No. 6593, shall not apply;
- (c) a minimum 3.0 m (10 ft.) wide landscape area shall be provided and maintained along the entire westerly lot line, except any area used for the vehicular access;
- (d) a minimum 1.2 m (4 ft.) wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly lot line, abutting a residential use.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1321.

5. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1321.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1994

CITY CLERK

MAYOR

(1993) 18 R.P.D.C. 3, November 30

(1994) 15 R.P.D.C. 2, October 25

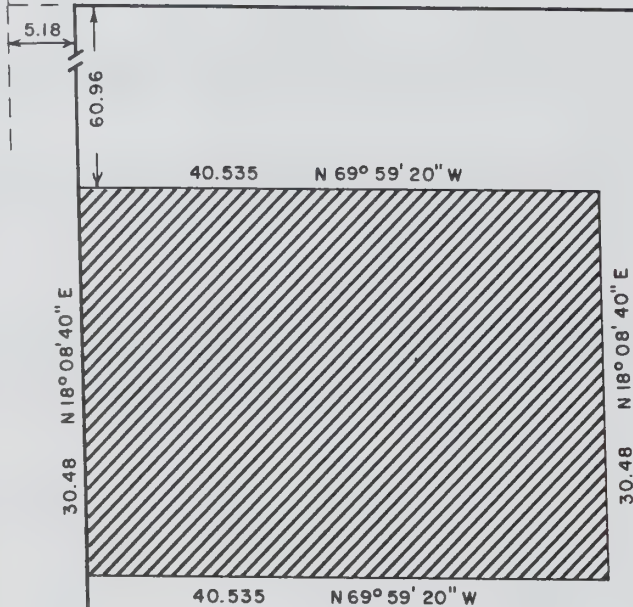
Diana Marie Hubbard and Edith Held, Owners

Amended ZAC-93-16

STONE CHURCH ROAD EAST

N.W. CORNER OF
LOT 14 - CON. 8

UPPER JAMES STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 9 -
Passed the day of , 199 .

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 9 -

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"C" (Urban Protected Residential, etc.)
District to "HH" (Restricted Community
Shopping and Commercial) District,
modified.

North



Scale

NOT TO SCALE

Reference File No.

ZAC-93-16

Date

NOVEMBER 1993

Drawn By

Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Remove

**Land within the Claudette Gardens, Phase 5 Subdivision, Plan 62M-760
from Part Lot Control**

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lot 1, Lot 2, Lots 4-13, inclusive, Lots 19-28, inclusive, and Lots 30 and 31, within Registered Plan Number 62M-760, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED

this day of

A.D. 1994.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1994.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593
As Amended By By-laws No. 82-53 and 83-54

Respecting:

LANDS LOCATED AT

337 AND 363 STONE CHURCH ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 82-53 on the 9th day of March, 1982 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "DE" District, in respect of the land located at Municipal No. 337 Stone Church Road East, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 13th day of July 1982, (File No. R 821114);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 83-54 on the 8th day of February, 1983 to replace Schedule "A" to By-law No. 82-53, which by-law was approved by the Ontario Municipal Board by Order dated the 23rd day of February 1983, (File No. R 821114);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 15th Report of the Planning and Development Committee at its meeting held on the 25th day of October 1994, recommended that Zoning By-law No. 6593, as amended by By-laws No. 82-53 and 83-54 be further amended to change the zoning of the above-captioned land, and to replace Schedule "A" to By-law No. 82-53, as amended by By-law No. 83-54, to include a new Schedule "A" incorporating Blocks "2" and "3", and deleting Block "4";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing Block "1" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) by changing Blocks "2" and "3" from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified; and,
- (c) by changing Block "4" from "DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District;

the extent and boundaries of each of which Blocks "1", "2", "3" and "4" are shown on a plan hereto annexed as Schedule "A".

2. Schedule "A" to By-law No. 83-54, is hereby revoked and Schedule "B" annexed hereto and forming part of this by-law is substituted therefor as the new Schedule "A".

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-787a;

4. Sheet No. E-18C of the District Maps is amended by marking the lands shown on Schedule "B" of this by-law, S-787a;

5. In all other respects, By-law No. 82-53, as amended by By-law No. 83-54 is hereby confirmed, unchanged.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

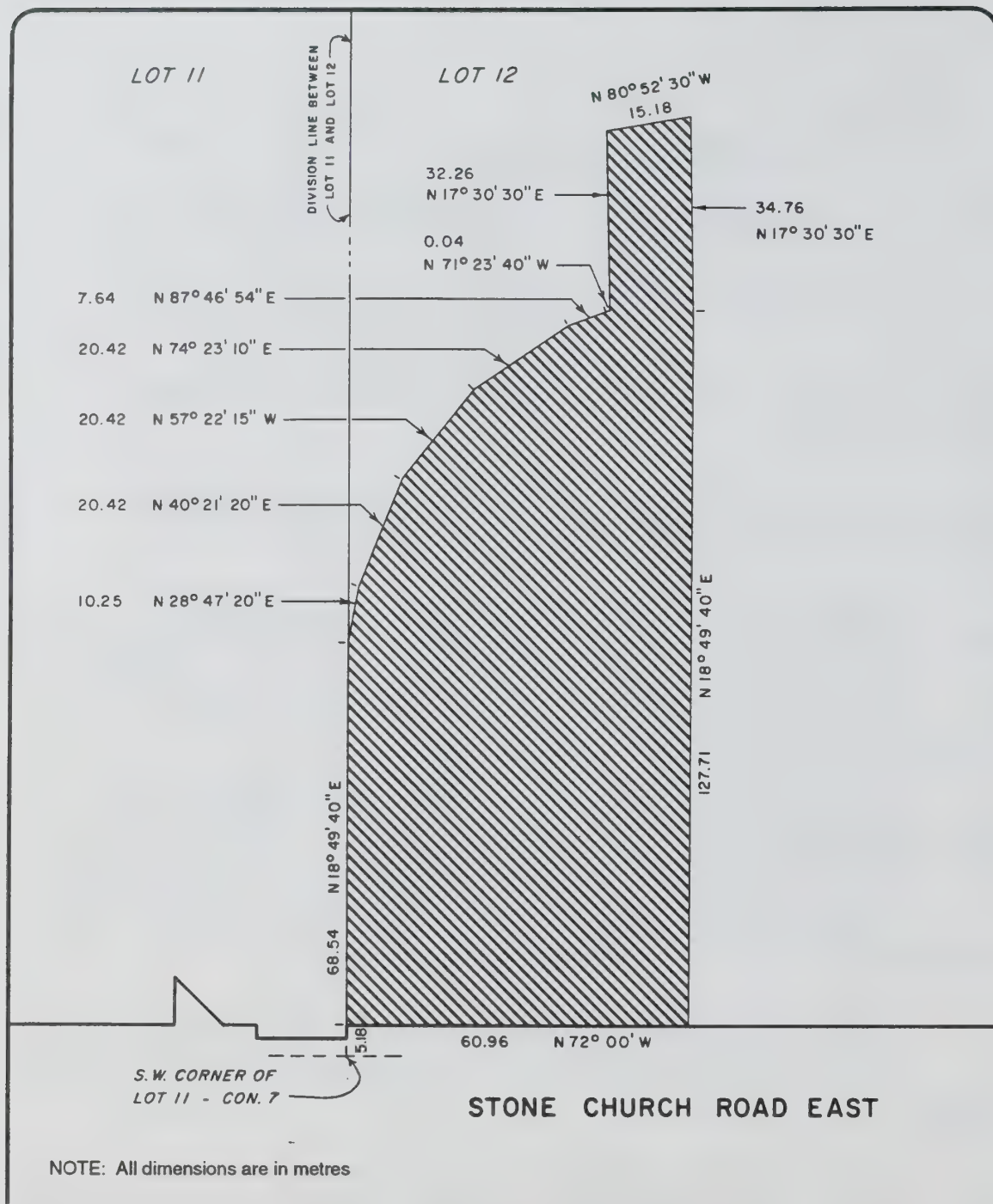
day of

A.D. 1994

CITY CLERK

MAYOR

(1994) 15 R.P.D.C. 1, October 25
Timothy Canadian Reformed Society
of Hamilton, Owner
ZA-94-02



This is Schedule "B" to By-Law No. 95.....
Passed the day of, 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule B

Map Forming Part of
By-Law No. 95-
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Revised Schedule "A" to
By-Law No. 82-53 as
Amended by By-Law No. 83-54

North

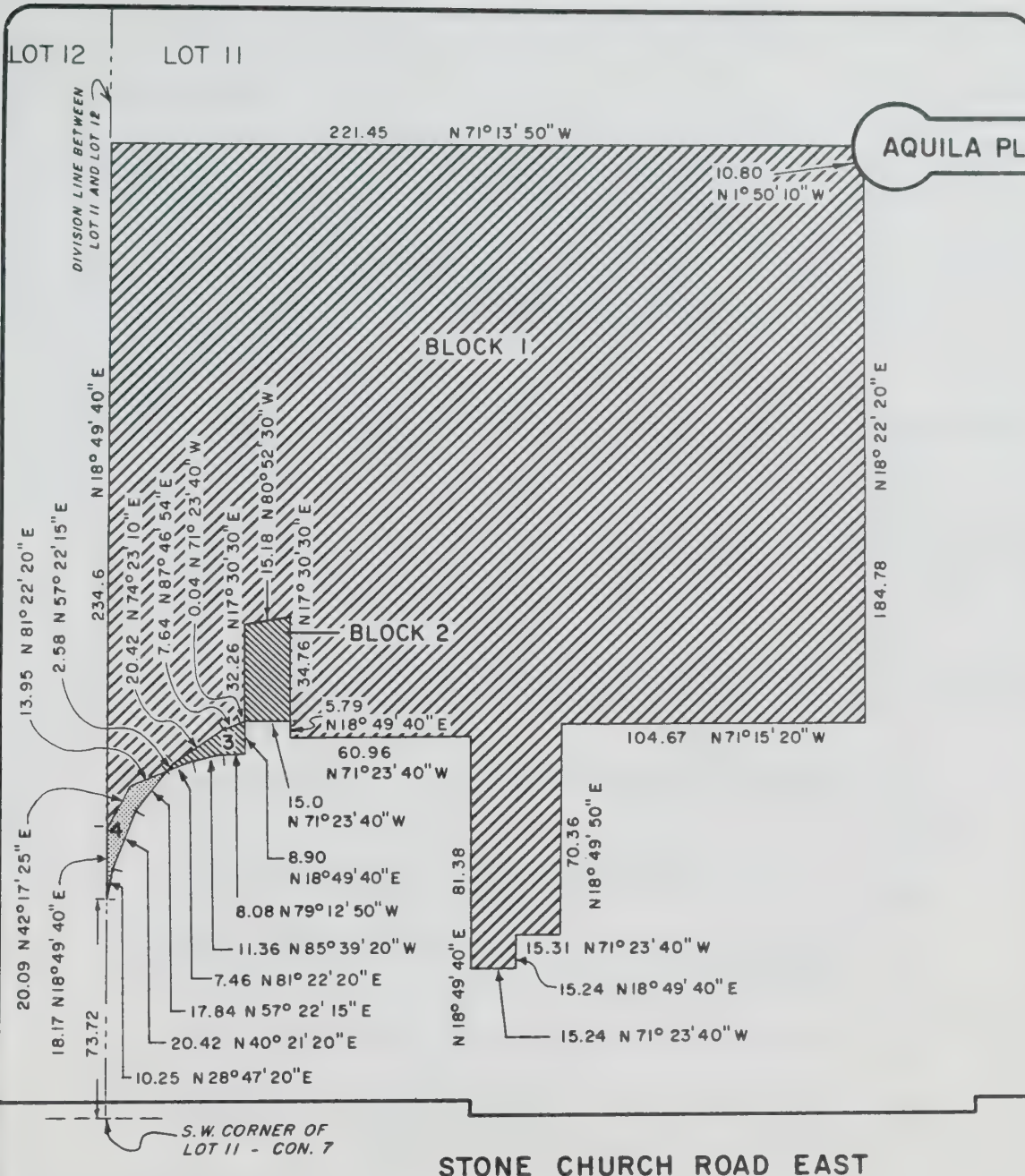


Scale
Not to Scale

Date
NOVEMBER 1994

Reference File No.
ZAR-94-25

Drawn By
Z.K.



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95
Passed the day of , 1994.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



BLOCKS 2 & 3



"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

"AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, modified.

"DE" (Low Density Multiple Dwellings) District, modified to "C" (Urban Protected Residential, etc.) District.

North



Scale
Not to Scale

Date
OCTOBER 1994

Reference File No.
ZAC-94-02

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED SOUTH OF TOWERCREST DRIVE, BETWEEN UPPER
WELLINGTON STREET AND COLIN CRESCENT**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extend and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

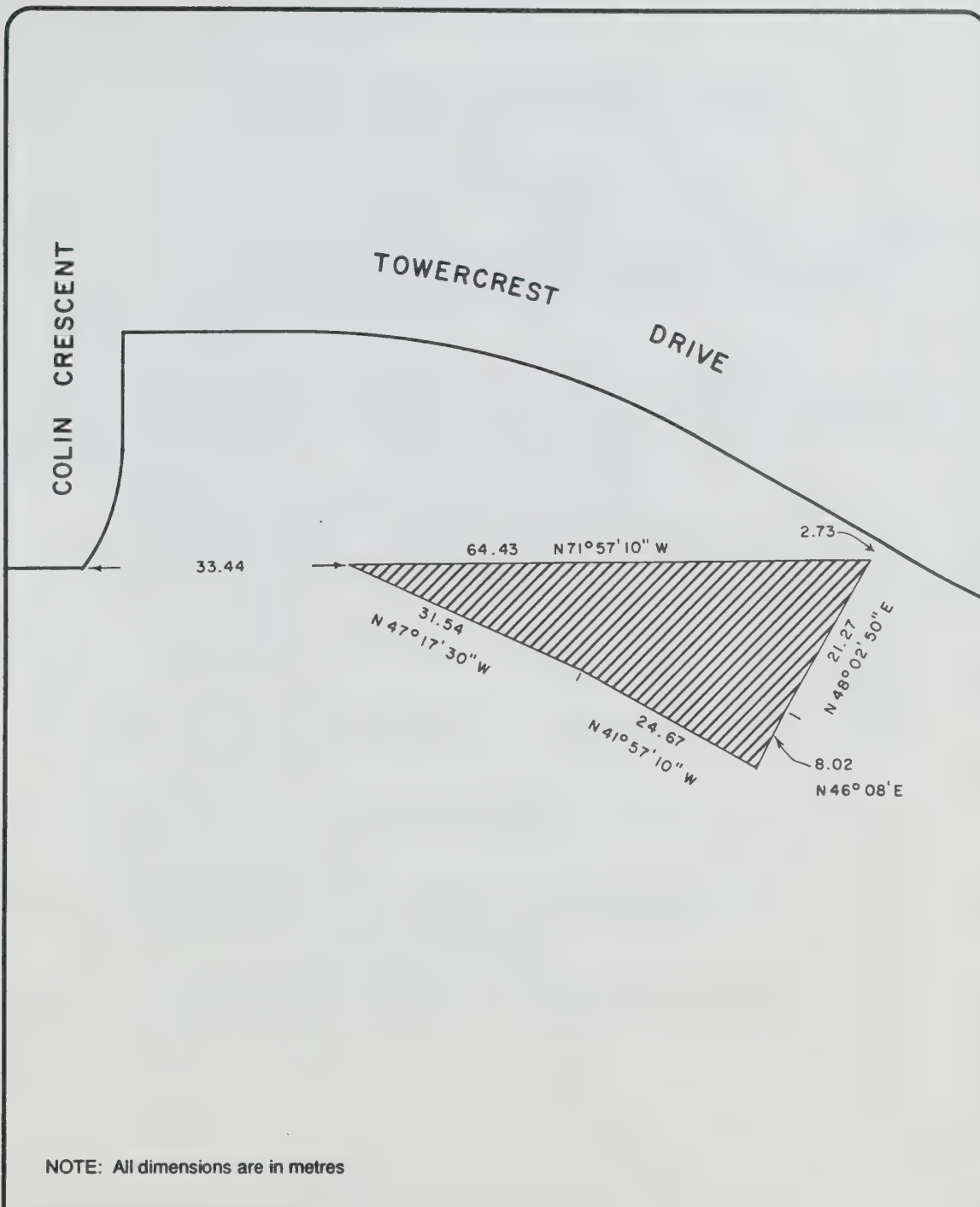
day of

A.D. 1994.

CITY CLERK

MAYOR

(1994) 16 R.P.D.C 1, November 8
Primecan Holdings Inc., Prospective Owner
ZAC-94-20



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95.....
Passed the day of , 1994.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA" (Agricultural) District to
"C" (Urban Protected Residential,
etc.) District.

North



Scale
Not to Scale

Date
NOVEMBER 1994

Reference File No.
ZAC-94-20

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Authorize:

**CENTRAL UTILITIES PLANT TRIGENERATION PROJECT and
ADDITIONAL SIDEWALK RECONSTRUCTION PROJECT**

WHEREAS Ontario Regulation 710/92 enacted under the authority of the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for a municipality's debt obligations which do not require the approval of the Ontario Municipal Board;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 1 of the Fourth Report of the Committee of the Whole on March 29, 1994 and Item 1 of the Ninth Report of the Committee of the Whole on August 30, 1994, authorized the projects appearing in Schedule "A" to this By-law, conditional on the approval of the projects as Infrastructure Program Projects;

AND WHEREAS the projects listed in Schedule "A" have received Infrastructure Program Project approval;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The projects listed in Schedule "A" attach to and form part of the By-law and are hereby approved.
2. The City Treasurer is authorized to arrange the issuance of the necessary debentures to a maximum of \$2,185,472 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth and chargeable to the City.
3. The Proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to this By-law.

PASSED this

day of

1993.

CITY CLERK

MAYOR

SCHEDULE "A" TO BY-LAW NO. 94

<u>Project</u>	<u>Gross Cost</u>	<u>Federal & Provincial Subsidies</u>	<u>Debenture Amount</u>	<u>Term of Debenture</u>
1) Central Utilities Plant Trigenation	\$6,064,500	\$4,043,000	\$2,021,500	20 years
2) Additional Sidewalk Reconstruction	<u>\$ 491,917</u>	<u>\$ 327,944</u>	<u>\$ 163,973</u>	20 years
	<u>\$6,556,417</u>	<u>\$4,370,944</u>	<u>\$2,185,473</u>	

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 94-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c. M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date on Schedule "A" attached hereto.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1.
 - (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
 - (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
- (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
- (c) that any person may pay the Cancellation Price at any time.
- (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
- (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
- (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this day of A.D., 1994.

CITY CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

2415 BARTON STREET EAST
05-04810-0890
CON 1 PART LOT 27
FEBRUARY 22, 1994
176686
FEBRUARY 22, 1995
\$12,600.60

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

398 CONCESSION STREET
07-08160-6500
PART LOT 9 PLAN 291
MARCH 22, 1994
178896
MARCH 22, 1995
\$28,160.47

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

172 JULIAN AVENUE
05-03820-8990
PLAN 534 LOT 128
DECEMBER 14, 1993
171834
DECEMBER 14, 1994
\$10,940.68

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

1935 BRAMPTON STREET
05-04010-8220
PLAN 573 PART LOT 68
DECEMBER 21, 1993
172487
DECEMBER 21, 1994
\$16,587.92

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

155 SUNRISE DRIVE
05-04320-5730
PLAN 1176 LOT 65
MARCH 22, 1994
178901
MARCH 22, 1995
\$16,318.59

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

99 OWEN PLACE
05-04420-5910
PLAN 851 LOT 19
MARCH 22, 1994
178900
MARCH 22, 1995
\$18,214.68

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

21 CRAWFORD DRIVE
05-04510-6470
PLAN 1249 LOT 85
MARCH 22, 1994
178899
MARCH 22, 1995
\$12,593.94

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

2806 BARTON STREET EAST
05-04710-8220
CON 2 PART LOT 23
MARCH 22, 1994
#178897
MARCH 22, 1995
\$35,312.61

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

265 EAST 17TH STREET
07-08120-4650
PLAN 762 LOT 58
DECEMBER 14, 1993
#171839
DECEMBER 14, 1994
\$15,074.03

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

920 BURLINGTON ST E
03-02720-0880
PLAN 453 LOT 6
MARCH 8, 1994
#177904
MARCH 8, 1995
\$6,675.68

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

922 BURLINGTON ST E
03-02720-0910
PLAN 453 LOT 7
MARCH 8, 1994
#177905
MARCH 8, 1995
\$6,884.56

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

10 LEEDS STREET
03-02720-3860
PLAN 453 LOT 379
MARCH 14, 1994
#179320
MARCH 14, 1995
\$6,571.61

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

13 EAST BEND N
04-02815-6610
PLAN 386 PT LOT 69
MARCH 8, 1994
#177906
MARCH 8, 1995
\$6,479.75

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

15 EAST BEND N
04-02815-6640
PLAN 386 PT LOT 69
MARCH 8, 1994
#177907
MARCH 8, 1995
\$7,022.34

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS	27 MONS AVENUE
SERIAL NUMBER	04-02855-0430
BRIEF LEGAL DESCRIPTION	PLAN 374 PT LOTS 104,105,106
DATE OF REGISTRATION	MARCH 8, 1994
INST # OF TAX ARREARS CERTIFICATE	#177899
REDEMPTION DATE	MARCH 8, 1995
TOTAL ARREARS	\$6,998.95
PROPERTY ADDRESS	935 BARTON STREET EAST
SERIAL NUMBER	04-02860-2220
BRIEF LEGAL DESCRIPTION	PLAN 414 PT LOTS 55,56,57,58,59
DATE OF REGISTRATION	MARCH 8, 1994
INST # OF TAX ARREARS CERTIFICATE	#177900
REDEMPTION DATE	MARCH 8, 1995
TOTAL ARREARS	\$20,681.71
PROPERTY ADDRESS	15 LINCOLN STREET
SERIAL NUMBER	04-02860-3000
BRIEF LEGAL DESCRIPTION	PLAN 414 PT LOT 42,43
DATE OF REGISTRATION	MARCH 8, 1994
INST # OF TAX ARREARS CERTIFICATE	#177901
REDEMPTION DATE	MARCH 8, 1995
TOTAL ARREARS	\$8,302.77
PROPERTY ADDRESS	1249 MAIN STREET EAST
SERIAL NUMBER	04-03125-8060
BRIEF LEGAL DESCRIPTION	PLAN 497 LOT 296
DATE OF REGISTRATION	MARCH 8, 1994
INST # OF TAX ARREARS CERTIFICATE	#177910
REDEMPTION DATE	MARCH 8, 1995
TOTAL ARREARS	\$28,712.76
PROPERTY ADDRESS	256 WEIR STREET NORTH
SERIAL NUMBER	04-03340-8670
BRIEF LEGAL DESCRIPTION	PLAN 502 LOT 214
DATE OF REGISTRATION	MARCH 8, 1994
INST # OF TAX ARREARS CERTIFICATE	#177911
REDEMPTION DATE	MARCH 8, 1995
TOTAL ARREARS	\$8,382.95
PROPERTY ADDRESS	48 DIVISION STREET
SERIAL NUMBER	04-03350-7110
BRIEF LEGAL DESCRIPTION	PLAN 500 LOT 126
DATE OF REGISTRATION	MARCH 8, 1994
INST # OF TAX ARREARS CERTIFICATE	#177912
REDEMPTION DATE	MARCH 8, 1995
TOTAL ARREARS	\$8,539.81
PROPERTY ADDRESS	89 GARSIDE AVE SOUTH
SERIAL NUMBER	04-03420-5160
BRIEF LEGAL DESCRIPTION	PLAN 766 LOT 123
DATE OF REGISTRATION	MARCH 22, 1994
INST # OF TAX ARREARS CERTIFICATE	#178903
REDEMPTION DATE	MARCH 22, 1995
TOTAL ARREARS	\$15,019.24

SCHEDULE "A"
EXTENSION AGREEMENTS

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

121 HUXLEY AVE S
04-03060-2980
PLAN 512 LOT 104
DECEMBER 14, 1993
#171831
DECEMBER 14, 1994
\$11,443.97

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

124 OTTAWA ST NORTH
04-03110-0280
PLAN 497 PT LOT 38,39
DECEMBER 21, 1993
#172482
DECEMBER 21, 1994
\$18,061.90

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

111 MACNAB ST SOUTH
02-01390-0850
PLAN 1270 PT LOT 10
JANAURY 10, 1994
#173454
JANAURY 10, 1995
\$13,821.84

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

244 JAMES ST SOUTH
02-01390-5850
PLAN 1270 PT LOT 53,54
DECEMBER 14, 1993
#171836
DECEMBER 14, 1994
\$20,085.67

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

154 CATHARINE ST SOUTH
02-01430-0460
PLAN 1431 PT LOT 161
DECEMBER 21, 1993
#172485
DECEMBER 21, 1994
\$29,174.51

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

457 WELLINGTON ST NORTH
02-01710-9200
PLAN 82 PT LOT 12,13
JANAURY 10, 1994
#173459
JANAURY 10, 1995
\$5,010.29

PROPERTY ADDRESS
SERIAL NUMBER
BRIEF LEGAL DESCRIPTION
DATE OF REGISTRATION
INST # OF TAX ARREARS CERTIFICATE
REDEMPTION DATE
TOTAL ARREARS

350 FERGUSON AVE NORTH
02-01820-0050
PLAN 89 LOTS 1,2,3,4,ET AL
DECEMBER 21, 1993
#172486
DECEMBER 21, 1994
\$18,805.92

SCHEDULE "A"**EXTENSION AGREEMENTS**

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

69 CONNAUGHT AVE NORTH

03-02645-6120

PLAN 619 LOT 303

MARCH 22, 1994

#178904

MARCH 22, 1995

\$9,171.35

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

185 MARKET STREET

02-01230-5520

SURVEY GS TIFFANY

FEBRUARY 11, 1994

#175841

FEBRUARY 11, 1995

\$12,735.34

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

40 EAST AVE NORTH

03-02130-2770

PLAN 223 PT LOT 167

FEBRUARY 11, 1994

#175848

FEBRUARY 11, 1995

\$10,679.72

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

57 1/2 BREADALBANE ST

01-01025-0130

PLAN 42 BLK 10

FEBRUARY 11, 1994

#175838

FEBRUARY 11, 1995

\$6,875.87

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

135 STRACHAN ST EAST

02-01610-1810

PLAN 89 PT LOT 28

FEBRUARY 11, 1994

#175842

FEBRUARY 11, 1995

\$11,712.90

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

191 MARKET STREET

02-01230-5430

SURVEY GS TIFFANY

FEBRUARY 11, 1994

#175840

FEBRUARY 11, 1995

\$5,806.59

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

72 CHEEVER STREET

03-02180-0790

PLAN 154 PT LOT 17

FEBRUARY 22, 1994

#176676

FEBRUARY 22, 1995

\$8,543.08

PROPERTY ADDRESS

SERIAL NUMBER

BRIEF LEGAL DESCRIPTION

DATE OF REGISTRATION

INST # OF TAX ARREARS CERTIFICATE

REDEMPTION DATE

TOTAL ARREARS

132 ROBERT STREET

02-01565-2970

PLAN 287 PT LOT 8,9

FEBRUARY 22, 1994

#176677

FEBRUARY 22, 1995

\$8,046.03

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 13TH DAY OF
DECEMBER A.D., 1994.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 13th day of December A.D. 1994

CITY CLERK

MAYOR

HAMILTON PUBLIC LIBRARY



3 2022 21334218 7